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ABSTRACT

This handbook provides New York State school administrators with information on state education law and regulations concerning elementary and secondary education. Section 1 of the handbook includes policies, guidelines, and procedures for specific subsections of the commissioner of education's Regulations. Regulations have the force and effect of law, whereas policy statements indicate the bases by which the Education Department carries out the intent of the regulations. Section 2 updates what is required by the laws of the State of New York, rules of the Board of Regents, and regulations of the commissioner of education added to the original regulations. The descriptions of requirements in this section are paraphrased and do not repeat the official wording of the statutes, rules, and regulations. References cited within each subsection provide complete statements. This digest of minimum state requirements indicates what schools and districts must do. Appendix A contains guidelines to assist public school officials to determine the equivalency of nonpublic school programs in their districts and to provide nonpublic school authorities with an understanding of what is required. Appendix B contains the complete text of the commissioner's regulations that deal with elementary and secondary education. (MLF)

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Education Law, Rules of the Board of Regents, & Regulations of Commissioner of Education

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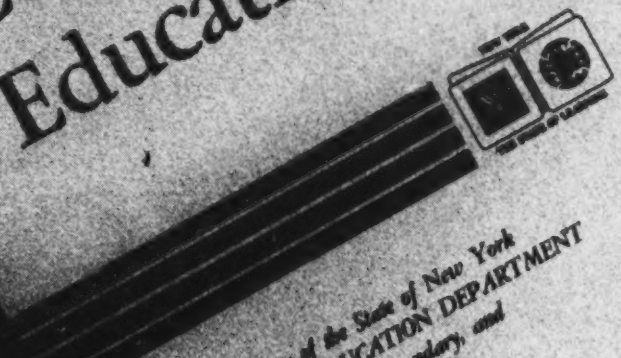

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Elementary, Secondary, and Continuing Education
Albany, New York 12234

EA 018 668

THE UNIVERSITY OF THE STATE OF NEW YORK
THE STATE EDUCATION DEPARTMENT
ALBANY, NEW YORK 12234

DEPUTY COMMISSIONER FOR
ELEMENTARY, SECONDARY
AND CONTINUING EDUCATION

March, 1986

To: All Interested Parties

From: Gerald L. Freeborne Gerald L. Freeborne

Subject: Handbook on Education Law, Rules of the Board of Regents, and Regulations of the Commissioner of Education

The accompanying handbook on laws, rules, and regulations, provides policy and guidelines regarding Part 100 of the Commissioner's Regulations which specifies requirements for elementary and secondary school programs. The handbook also includes summaries of other administrative requirements and procedures found in Education Law, Regents' Rules, and elsewhere in Commissioner's Regulations. The two appendices include information on the equivalency of instruction in nonpublic schools in relation to compulsory school attendance and a verbatim transcript of Part 100 of the Commissioner's Regulations.

The handbook is organized to enable the Education Department to update any section independently of the other sections. From time to time the recipients of this memorandum will receive such updated sections as revisions are made to laws, rules, regulations, policies and guidelines.

Copies of the handbook are in limited supply. The Education Department will be unable to provide copies to other than those to whom it has been sent. However, you are free to copy any part or the entire document for distribution as you see fit.

Should you need assistance regarding any section of the handbook, please contact the office which has responsibility for the area of concern. If you are unsure of which office to contact, please write or call the Division of School Registration and Supervision, Room 667 EBA, State Education Department, Albany, New York 12234 (518: 474-3465).

FOREWORD

This handbook is intended to provide school and school district administrators with information on Education Law and Commissioner's Regulations affecting elementary and secondary education. It is in looseleaf form to accommodate updates of the contents from time-to-time and to provide a convenient format for interfiling other materials pertaining to the Regulations and Laws.

The handbook has two sections, one pertaining to Part 100 of the Regulations only and the other for all other Parts of the Regulations and applicable Education Law and Regents' Rules.

Section I of the handbook includes policies, guidelines and procedures for specific subsections of Part 100. **Subsections from Part 100 of the Regulations are printed in bold face.** Regulations have the force and effect of law. Policy statements indicate the bases by which the Education Department carries out the intent of the Regulations. Guidelines are provided as recommendations and should not be interpreted as requirements. For convenience in cross-referencing to the complete text of Part 100 (contained in Appendix B), the material in Section I of this handbook is organized alpha-numerically in the same way as Part 100.

Section II updates what is required by the laws of the State of New York, Rules of the Board of Regents, and Regulations of the Commissioner of Education other than Part 100. The descriptions of requirements in Section II are paraphrased and do not repeat the official wording of the statutes, rules, and regulations. For complete statements, consult the references cited within each subsection. This digest of minimum State requirements indicates what schools and districts must do. Programs and standards which are recommended, but which are not required, appear in various Education Department bulletins, reports and similar publications.

Appendix A contains guidelines to assist public school officials to determine the equivalency of nonpublic school programs in their districts and to provide nonpublic school authorities with an understanding of what is required. Appendix B contains the complete text of Part 100 of the Commissioner's Regulations.

The Regents Rules and Regulations of the Commissioner are published in the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), Volume A, Title 8, Education Department. Copies of Volume A are obtainable from the printer, Lenz & Riecker, Inc., 135 West 50th Street, 23rd Floor, New York 10020. New York State statutes relating to education are found in McKinney's Consolidated Laws of New York, Book 16 published by West Publishing Co., St. Paul, Minnesota.

Your comments and recommendations are welcome. Please forward them to Gerald L. Freeborne, Deputy Commissioner for Elementary, Secondary and Continuing Education, State Education Department, Albany, New York 12234.

HANDBOOK ON REQUIREMENTS FOR ELEMENTARY AND SECONDARY SCHOOLS IN EDUCATION LAW, RULES OF THE BOARD OF REGENTS, AND REGULATIONS OF THE COMMISSIONER OF EDUCATION

1986

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The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Office of Elementary, Secondary and
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Albany, New York 12234

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Gerald L. Freeborne

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SECTION I

POLICIES, GUIDELINES AND PROCEDURES FOR PART 100 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

C.R. 100.1

Definitions

C.R. 100.1(a)

(a) **Unit of study means at least 180 minutes of instruction per week throughout the school year, or the equivalent.**

Policy

The 180 minutes of instruction may include passing time between classes generally not to exceed four minutes between each class.

SECOND LANGUAGE

C.R. 100.1(i)

(i) **Second language means a language other than English.**

Policy

- Units of study in a language other than English completed in a bilingual education program in grades K-12 are acceptable.

- Study of a language other than English outside of the United States by students of limited English proficiency is acceptable, provided proper documentation is presented to the school principal.

- A Native American language is acceptable.

- The following are not acceptable as meeting the definition of a second language:

  - English as a second language
  - Sign language
  - Computer and other machine languages.

CR 100.1(k)and (1)

(k) Occupational education proficiency examinations mean State tests taken by students pursuing approved sequences in occupational education subjects.

(l) Occupational education means all programs of instruction in agriculture; business, including marketing; home economics; health occupations; technical education; technology education/industrial arts; and trade education.

POLICY

The Regents Action Plan and Part 100 of Commissioner's Regulations set significant new directions for occupational education. They define a coordinated occupational education program, based on the Futuring Project recommendations. The elements outlined below indicate how occupational education in New York State is affected by the major provisions of the Regents Action Plan and attendant Commissioner's Regulations.

- State proficiency examinations, for both Regents and local diplomas, will when available be administered to students of each occupational education program, beginning with students entering grade nine in 1987.

- Examination results will be part of the Comprehensive Assessment Report (CAR) required to be submitted annually to local boards of education by their superintendents.

- A common set (core) of skills and knowledge has been identified that is believed essential to all individuals in their personal, family, home, community, and work responsibilities. Most of these core skills will be obtained in elementary general education, or in a new junior high school program in which all students will take three-quarters unit in Home and Career Skills and one unit in Technology by the completion of grade eight. The Technology course will introduce students to modern technology, to the resources needed for technological development, to ways in which technology helps to solve problems and enhance our living standards, to a variety of technological systems and their operation, and to the effects of technology on individuals and society. The Home and Career Skills program will emphasize personal, consumer, and relationship skills needed to enhance the students' abilities to meet their present and future responsibilities in the home and in the workplace.

- A broad range of knowledge and skills common to all areas of home/family and employment will be provided to occupational education students at the 9th and 10th grade levels through instruction in Introduction to Occupations.

- Specialized occupational education will usually be deferred until the 11th and 12th grades, thereby keeping career options open until students have thoroughly explored their full implications. Specialized programs will be coordinated with earlier courses and included as requisites for completing an occupational sequence.

- All areas of occupational education will be updated and redesigned to afford maximum preparation for anticipated job demands, as well as to permit broad career alternatives.

- Achievement standards and accountability will be strengthened through new curriculum materials and a statewide testing program.

C.R. 100.2

General School Requirements

ASSIGNMENT AND FUNCTION OF PRINCIPALS IN
PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

C.R. 100.2(a)

Administration of elementary and secondary schools. The board of education of each school district shall employ and assign to each school under its supervision a full time principal holding the appropriate certification as required pursuant to section 80.4(b) of this Title. Upon the submission of evidence that there are circumstances which do not justify the assignment of a principal to a particular school, or that another mode of building administration would be more effective, the commissioner may approve an alternative mode of building administration. Within the policy guidelines of the board of education of the school district and under the direction of the superintendent, each principal shall provide leadership in the development of the educational program in the school to which he or she is assigned, including the supervision and administration of the school program, involvement with the selection and retention of staff, professional consultation, direction and assistance to the faculty and students of the school, and fostering effective home/school/community partnerships.

POLICY

The functions of the principal listed above must be carried out whether a single, full time principal administers a school or whether an alternative to a single, full time principal is approved by the State Education Department.

PROCEDURE

School districts requesting approval of an alternative to a single, full-time principal in a school must complete an application which includes the information described below. Attach the application information to the filled in cover sheet (p. 4.3).

1. Schools Included in Request

   List each school for which an alternative to the assignment of a full time principal is requested. For each school show the grades included, total school enrollment, number of professional staff members and total number of classes.

2. Administrative Assignments

   For each school listed in Item 1, above:

a. Show the name of the principal and any other administrators and the percent of time each is assigned to the school.

b. Indicate whether or not each school is assigned an administrator who is free of non-administrative duties during each hour of session.

c. If an assigned administrator has teaching duty, explain how instructional continuity for and general welfare of the students are maintained. That is, the instructional program is uninterrupted and students are under direct supervision at all times.

3. Function of Principal

In accordance with Section 100.2(a) of the Commissioner's Regulations, for each school listed in Item 1, above, provide answers to the following questions:

a. How will proper supervision and administration of each school be assured?

b. How will professional consultation, leadership, and assistance to the faculty and pupils of each school be carried out?

c. How will the administrators assigned be involved in the selection and retention of staff in each school?

Request for an Alternative to Section 100.2(a)
of the Regulations of the Commissioner of Education

Date _____

To: The Assistant Commissioner for District Superintendents, School District Organization and Development
State Education Department

From:

School District Name _____

Address _____

Name of Person Completing This Form _____

Title _____

Address _____

Telephone Number _____

I request approval for an alternative to Section 100.2(a) of the Regulations of the Commissioner of Education. The attached application has been completed in accordance with the instructions.

_____
Typed or Printed Name of the Superintendent of Schools

_____
Signature of the Superintendent of Schools

_____
Date Signed

Please forward this application to:

Bureau of School Supervision
Room 668 EBA
State Education Department
Albany, New York 12234

For assistance, write or call the Bureau of School Supervision at 518: 474-5894.

GENERAL SCHOOL REQUIREMENTS
FOR SECOND LANGUAGE STUDY
IN GRADES K-9

C.R. 100.2(d)(1)(i) and (2) and (3)

(d) Second language requirements.

(1) Public school students first entering grade nine in 1988 or 1989 shall have completed at least one unit of study in a second language at some time during grades kindergarten through nine. Public school students first entering grade nine in 1990 and thereafter shall have completed at least two units of study in a second language at some time during grades kindergarten through nine. Such requirements shall be met subject to the following provisions:

(i) Such unit of study requirements in a second language may be in more than one language, provided that at least one half of the required units of study shall be in a single language;

...

(2) Beginning September 1, 1988, the board of education of each public school district shall make available instruction in a language other than English in grades 8 through 12.

(3) Beginning in May 1989, all students who pass an approved second language proficiency examination shall be awarded the first unit of credit in second language instruction, unless the student has already been awarded such first unit of credit in second language instruction as set forth in section 100.1(b) of this Part.

POLICY

- Sign language is not considered a second language.
- Computer language and other machine languages are not considered a second language.
- A Native American language is acceptable as a second language.
- The term completed when no Statewide examination is offered or mandated, should be defined by local school district policy; e.g., passing a school examination or attaining a passing grade for the course.

- Units of study in a language other than English completed in a bilingual education program in grades K-12 are acceptable to meet the second language requirements.

- English as a second language is not acceptable as a second language to meet the requirements in Part 100 of the Commissioner's Regulations.

- Students of limited English proficiency may count the study of a language other than English outside of the United States to meet the second language requirements provided proper documentation is presented to the school principal.

GUIDELINES

The section of the Commissioner's Regulations cited above provides that public school students may satisfy part of their second language study requirement at some time in grades K-9 by participating in courses designed to introduce them to more than one language other than English. Schools considering this option are advised to structure so-called "survey" or "exploratory" second language courses in ways to ensure that students develop actual communication skills in each of the languages to which they are exposed. Course content and sufficient allocation of time devoted to each language are important factors to be considered. (Note: These guidelines do not pertain to second language study required for the Regents diploma.)

- Advantages of Survey Courses:

  - Survey courses may help to dispel myths about the relative difficulty of one language over another. Students may find, for example, that a language reputed to be difficult may in fact be easy for them to learn.

  - Survey courses tend to help schools balance enrollments in the languages they offer.

- Disadvantages of Survey Courses:

  - The major objective of survey courses, i.e., to help students choose which language to study, is usually not realized. Instead, students at that age tend to base their choice on such factors as peer preference, parental advice and teacher reputation.

  - Because of the rather cursory exposure to each of several languages, students are not likely to develop appreciable skills in any of these languages. Therefore, students participating in such survey courses

as part of their K-9 study requirement may be insufficiently prepared for a foreign language proficiency examination which measures learning outcomes of two units of study in a single language.

- Teachers must be certified in the languages taught, which may be a problem in establishing a survey course.

- Additional Guidelines:

  - Grade 8 is the latest grade in which a program can begin and still meet the requirement of two units of study in a second language at some time during grades kindergarten through nine. It can be started as early as kindergarten.

  - Schedules for 1/2-units of second language study could provide for instruction throughout the school year, such as daily instruction for one-half period per day or one period of instruction on alternate days throughout the school year. Other options would depend upon a school's overall schedule.

  - At what grade to initite second language study in elementary, middle, and junior high schools is at the discretion of local school officials.

  - For information on issues relating to certification, see Part 80 of the Commissioner's Regulations.

  - For information in regard to tenure see Part 30 of the Commissioner's Regulations.

SECOND LANGUAGE REQUIREMENTS FOR STUDENTS
WITH HANDICAPPING CONDITIONS

C.R. 100.2(d)(1)(iii)

(d) Second language requirements.

(1) Public school students first entering grade nine in 1988 or 1989 shall have completed at least one unit of study in a second language at some time during grades kindergarten through nine. Public school students first entering grade nine in 1990 and thereafter shall have completed at least two units of study in a second language at some time during grades kindergarten through nine. Such requirements shall be met subject to the following provisions:

(iii) Students identified as having a handicapping condition may be exempted from the requirements set forth in this paragraph if a student's individualized education program, developed in accordance with section 200.4 of this Title, states that such requirements are not appropriate.

POLICY

An exemption from second language requirement must be individually determined by the committee on the handicapped (COH) through development or review of the student's program. The exemption should be made only after considering evaluative information, teacher reports, anecdotal information and parental input.

GUIDELINES

- Deyelop guidelines for exempting, on an individual basis, students with handicapping conditions from second language requirements, directing the COH to consider:
  - The severity of the handicapping condition;
  - The student's annual goals;
  - The student's interest and skill levels;
  - Information on the student's primary and secondary language acquisition;
  - The long-term benefits of the student's acquisition of second language skills compared with the long-range effects of exclusion.

- Include students with handicapping conditions in grades K-6 in second language programs to the maximum extent possible and appropriate. Participation in such programs will give teachers, parents, school administrators and the COH specific information about the student's second language abilities for considering the continuation of such instruction or exemption from additional second language requirements.

- Decisions to exempt students with handicapping conditions from second language diploma requirements should be communicated to building administrators with a rationale for such exemption.

- The COH should recommend appropriate alternative testing techniques and/or instructional and material modifications needed by the student to successfully participate in the second language program.

- Provide in-service training to second language teachers on effective mainstreaming strategies, material modifications and instructional techniques that can be used to integrate students with handicapping conditions who will be participating in second language courses.

- Provide in-service training on second languages to special education teachers to help them in working effectively with second language teachers.

USE OF ALTERNATIVE EXAMINATIONS

C.R. 100.2(f)

(f) **Use of alternative examinations. With the approval of the commissioner, tests which measure an equivalent level of knowledge and skill may be substituted for the tests specified in this Part. At least six months prior to the administration of such tests, the proposed test booklet, answer sheet, scoring key, directions, and all other auxiliary materials shall be provided to the commissioner for approval, and shall be accompanied by such empirical evidence of the reliability of the test scores, and of the comparability of the proposed test to the corresponding State test with respect to content and difficulty, as is available.**

POLICY

- Schools are expected to use the State-mandated tests unless there are convincing reasons for not doing so. Requests to use alternative examinations must be fully justified.

- Locally prepared examinations, approved by the State Education Department, may be used for languages for which State-developed proficiency or Regents examinations are not offered. All parts of such examinations must be submitted to the State Education Department for approval at least six months prior to their administration.

PROCEDURE

- The proposed test booklet, answer sheet, scoring key, directions and all other auxiliary materials must be forwarded with the request. The request must also be accompanied by available empirical evidence of the reliability of the test scores and of the comparability of the proposed test to the corresponding State test with respect to content and difficulty. Describe and document the procedure used to establish a passing mark or reference point equivalent to that of the corresponding State test. Forward requests to use alternative examinations and supporting materials at least six months in advance prior to the date of administration to:

  Division of Educational Testing
  Room 773 EBA
  State Education Department
  Albany, New York 12234

ALTERNATIVE TESTING PROCEDURES FOR STUDENTS
WITH HANDICAPPING CONDITIONS

C.R. 100.2(g)(1)(i)

(g) Alternative testing procedures. The commissioner may approve satisfactory alternative testing procedures for all tests defined in section 100.1 of this Part under the following conditions.

(1) The use of alternative testing procedures shall be limited to:

(i) students identified by the committee on the handicapped as having a handicapping condition

...

(2) The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

(3) School districts and nonpublic schools shall report the use of alternative testing procedures to the department on a form and at a time prescribed by the commissioner.

GUIDELINES (See also Part 200 of the Commissioner's Regulations)

Students with handicapping conditions may be provided with alternative testing techniques. These techniques allow students with handicapping conditions to demonstrate their knowledge and skills without being limited by their handicapping condition. Alternative testing techniques are based on individual needs and must be specified on the student's individual education plan (IEP).

The building principals, teachers and committees on the handicapped (COH) are encouraged to coordinate efforts to help implement the alternative testing techniques on the IEP. It is important that, when specified on a student's IEP, such techniques are consistently used in regular and special education settings and in teacher-made, Statewide and district tests.

The appropriate use of alternative testing techniques affords a student with a handicapping condition the opportunity to meet minimum competencies and diploma requirements and to generally demonstrate achievement in a manner not restricted by the format of the testing device.

Suggestions for district awareness and implementation include:

- inservice training and staff development on the purpose, types and consistent use of alternative testing techniques;
- cooperation among regular and special educators;
- correlation between methods of instruction and methods of testing;
- possible changes in the alternative testing technique being provided to individual students, based on current skills and COH reviews of the IEP;
- the use of computer technology and adaptive devices as possible alternative testing techniques which enhance a student's ability to demonstrate acquired knowledge and skills.

Equally important to the process of providing alternative testing techniques is the cooperation and communication which occurs between the school principal and the committee on the handicapped. The combined knowledge and commitment of both are necessary to benefit students and to fulfill the responsibilities established through Part 100 and Part 200 in this area.

PROCEDURE

Procedures are described in the testing manuals for school administrators which are distributed by the Division of Educational Testing. Two manuals are provided, one for the Regents Examinations and Competency Tests and another for the New York State Pupil Evaluation Program and Preliminary Competency Tests.

In addition, the Office for Education of Children with Handicapping Conditions has developed the following publications which provide information on alternative testing techniques: Alternative Testing Techniques for Children with Handicapping Conditions and Part 100 Regulations and Special Education - A Guide for Implementation.

ALTERNATIVE TESTING PROCEDURES FOR STUDENTS
WHOSE NATIVE LANGUAGE IS OTHER THAN ENGLISH

C.R. 100.2(g) (1)(ii) (2) (3)

(g) Alternative testing procedures. The commissioner may approve satisfactory alternative testing procedures for all tests defined in section 100.1 of this Part under the following conditions:

(1) The use of alternative testing procedures should be limited to:

. . .

(ii) students whose native language is other than English, except that alternative testing procedures for the Regents competency tests in reading and writing may be used only by students who first enter, after grade eight, schools where the predominant language of instruction is English.

(2) The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

(3) School districts and nonpublic schools shall report the use of alternative testing procedures to the department on a form and at a time prescribed by the commissioner.

POLICY

- Students who enter after grade 8 may demonstrate proficiency in reading and writing in their native language in accordance with the following:

  - If the student's native language is one of the 26 languages listed below, the student may take the Native Language Writing Test in his or her native language to demonstrate competency in reading and writing.

Albanian	Laotian
Arabic	Malayan
Burmese	Polish
Cambodian	Portuguese
Chinese	Romanian
Farsi	Russian
French	Serbo-Croatian
German	Spanish
Greek	Tagalog
Hebrew	Thai

(continued on following page)

Italian	Turkish
Japanese	Urdu
Korean	Vietnamese

- If the student's native language is not one of the 26 languages listed above, the principal may use other procedures to determine the student's competency in reading and writing. These procedures must evaluate levels comparable to the Regents competency tests in reading and writing.

- Students may demonstrate proficiency in mathematics skills in their native language in accordance with the following:

  - If the student's native language is one of the 26 languages listed above, the student may demonstrate basic skills in mathematics by passing the Regents competency test in mathematics, which is available in each of the 26 languages.

  - If the student's native language is not one of the twenty-six languages listed above, the principal may use other procedures to determine the student's competency in mathematics. These procedures must evaluate levels comparable to the Regents competency tests in mathematics.

- Students may demonstrate proficiency in English language skills in their native language in accordance with the following:

  - To meet the minimum requirements for proficiency in English, students must demonstrate satisfactory progress toward mastery of the skills measured in the competency tests in reading and writing by obtaining a specified score on a test designed to measure English as a second language. The required level of English proficiency increases according to the number of years of English instruction that the student has received.

  - It is strongly recommended that the New York State Core Curriculum for English as a Second Language in the Secondary Schools be used to provide ESL instruction at the high school level. An ESL proficiency examination is under development which will be used to meet this requirement. The test will be based on the high school curriculum.

  - Students of limited English proficiency are expected to demonstrate competence in basic skills

at the same level as English proficient students. Where necessary, proficiency should be measured in the student's native language.

GUIDELINES

- The Education Department will develop other than English language versions of the required Pupil Evaluation Program Test and the Program Evaluation.

- Additional information and assistance can be obtained from:

  Bureau of Bilingual Education
  Room 304 EB
  State Education Department
  Albany, New York 12234
  (518) 474-8775

AVAILABILITY OF OCCUPATIONAL EDUCATION

C.R. 100.2(h)

(h) Availability of occupational education. All public school districts shall offer students the opportunity to begin an approved occupational education sequence in ninth grade. For students first entering grade nine in 1985 and thereafter, each approved occupational education sequence shall include a minimum of one unit of credit in introduction to occupations, such instruction to be offered at any point in the sequence.

POLICY

- Time requirements for the one unit of credit in introduction to occupations begins with students who first enter grade nine in 1985, prescribed content requirements begin with the students who first enter grade nine in 1986, and testing requirements begin with the students who first enter grade nine in 1987.

- The requirement that all public school students be provided the opportunity to begin an approved occupational education sequence in grade 9 can be satisfied by offering a 1-unit course in introduction to occupations in grade 9. Introduction to occupations consists of 26 one-quarter-unit modules that can be packaged into a one-half-year or full-year course or integrated in specialized areas. If integrated, the time requirement must be met. The competencies of two specified one-quarter-unit modules are required of all students electing an occupational education sequence. These two one-quarter unit modules are The Working Citizen and Personal Resource Management. The remaining one-half-unit of credit may be obtained from among the remaining 24 options. A State test will be required for the mandated modules, The Working Citizen and Personal Resource Management.

- The two one-quarter-unit modules that are elected to complete the one-unit requirement, should be chosen on the basis of the student's goals, interests, and abilities. Although all approved occupational education sequences will require the equivalent of at least one unit of introduction to occupations, a student who elects two 3-unit sequences in occupational education can use a single unit of introduction to occupations to satisfy that requirement of both sequences and still be considered as having fulfilled all sequence requirements for a diploma. Such dual use will generate only one unit of credit toward graduation requirements.

- All public school students must have the opportunity at grade 9 to participate in a course in occupational educa-

tion. Schools may not restrict occupational education enrollment to later secondary grades. The occupational education curriculum available to students should include Introduction to Occupations.

C.R. 100.2(j)

(Certain modifications have been made in Section 100.2(j) from the previous Regulation (100.1(g)). The changes are underlined.)

(j) Guidance programs.

(1) Public schools. Each school district shall have a guidance program for all students.

(i) In grades K-6, the program shall be designed in coordination with the teaching staff to prepare students to participate effectively in their current and future educational programs, to help students who exhibit any attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement.

(ii) In grades 7-12, the guidance program shall include the following activities or services:

(a) an annual review of each student's educational progress and career plans, with such reviews to be conducted with each student individually or with small groups by personnel certified or licensed as school counselors;

(b) instruction at each grade level to help students learn about various careers and about career planning skills conducted by personnel certified or licensed as school counselors, or by classroom teachers in cooperation with school counselors;

(c) other advisory and individual or group counseling assistance to enable students to benefit from the curriculum, to help students develop and implement postsecondary education and career plans, to help students who exhibit any attendance, academic, behavioral, or adjustment problems and to encourage parental involvement, provided that advisory assistance shall be provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers, and that such individual or group counseling assistance shall be provided by certified or licensed school counselors, or by certified or

licensed school psychologists, or certified or licensed school social workers in co-operation with school counselors; and

(d) the services of personnel certified or licensed as school counselors.

(iii) Each school district shall develop a district plan which sets forth the manner in which the district shall comply with the requirements of this subdivision. The City School District of the City of New York shall submit a separate plan for each community school district, for the High School Division and for the Special Education Division. Such plan shall be filed in the district offices and shall be available for review by any individual. The plan shall present program objectives, which describe expectations of what students will learn from the program; activities to accomplish the objectives; specification of staff members and other resources assigned to accomplish the objectives; and provisions for the annual assessment of program results. The plan shall be reviewed annually by the school districts, and revisions shall be made as necessary.

(2) Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.

GUIDELINES

This new Regulation continues the district plan requirement and its annual review and revision requirement. As districts undertake this review and revision process, they should take into account not only data from their annual assessment of program results, but also the following additional items:

In Grades K-6

(j)(1)(i) "... the program shall be designed...to help students who exhibit any attendance, academic, behavioral or adjustment problems..." This design includes provision of assistance to students who experience social, emotional or learning difficulties which can interfere with their educational, career or social development progress or that of their classmates.

With this added provision, objectives and activities should be incorporated to assist students to improve a poor attendance record and to improve poor or inconsistent academic achievement.

Activities may include individual counseling by qualified personnel, parental conferences, home visits, or targeted study skills programs. Attention should be given to the English proficiency of both pupils and parents. Required services should be provided in the language which the students and parents understand best.

"...to educate students concerning avoidance of child sexual abuse..." Because of the critical nature of this component, more detailed suggestions for planning and implementation will be issued separately. These will recognize the responsibilities of all members of the school staff, and the importance of community involvement. Programs should address student awareness of what constitutes sexual abuse and avoidance techniques, as well as a support system for suspected cases.

In Grades 7-12

(j)(ii)(a) "an annual review of each student's educational progress and career plans, with such reviews to be conducted with each student individually or with small groups by personnel certified or licensed as school counselors." This provision stipulates that qualified personnel should interact with students concerning their education, career and social development progress, and review related recommendations or alternatives. The annual student review should be conducted in the language the student understands best.

This activity serves as the primary student-counselor contact. It is designed to assure student's understanding of his/her educational status in relation to his/her future plans. Through this contact, counselors can identify students' needs for additional advisory or counseling assistance. The focus is on individual student progress and on counselor involvement with each student in the review process.

(j)(ii)(b) "...instruction at each grade level to help students learn about various careers and about career planning skills conducted by personnel certified or licensed as school counselors, or by classroom teachers in cooperation with school counselors"

This change indicates that counselors and/or classroom teachers may provide planned learning experiences designed to develop career

planning skills of students, permitting more comprehensive career education programs delivered by other than counselors. It provides for cooperation with counselors to assure a coordinated approach. This coordination makes it possible for counselors, in their individual work with students, to reinforce the knowledge and skills in their personal career planning.

In addition, cooperation with school counselors provides for a well-organized career guidance program with appropriate community involvement, and for identification of students in need of additional guidance and counseling services.

(j)(ii)(c) "...other advisory and individual or group counseling assistance...to help students who exhibit any attendance, academic, behavioral or adjustment problems..." This provision includes assistance to students who experience social, emotional or learning difficulties which can interfere with their educational, career or social development progress or that of their classmates. With this added provision, objectives and activities should be incorporated to assist students to improve on a poor attendance record, and to improve on poor or inconsistent academic achievement. Activities may include informational or instructional experiences related to attendance procedures and purposes or related to achievement goals or study skills, individual or group counseling by qualified personnel, and parental conferences or home visits. Such student and parental conferences should be conducted in the dominant language of the student and the parent. Such appropriate activities should be considered prior to making a referral of a student to the Committee on the Handicapped.

"...advisory assistance shall be provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers..." Advisory assistance means providing a student with certain factual and/or procedural information. This activity permits the involvement of other school staff in the informational aspects of the guidance program. Teachers may provide information about curriculum content or about college or career opportunities with which they are familiar. Certified teaching assistants may assist students in college or career exploration activities, employing materials in a career resource center. These certified

teaching assistants function under the supervision of counselors or teachers.

"...individual or group counseling assistance shall be provided by certified or licensed school counselors, or by certified or licensed school psychologists or certified or licensed school social workers in cooperation with school counselors..." Counseling, whether individual or group, may be provided only by personnel who have been trained in counseling skills in their preparation programs, and are certified or licensed as school counselors, school psychologists or school social workers. Counseling provided by school psychologists or school social workers, in this context, should be in cooperation with school counselors to assure a coordinated approach to students' educational, career and personal development needs.

(j)(1)(iii) "Each school district shall develop a district plan... The City School District of the City of New York shall submit a separate plan for each community school district, for the High School Division and for the Special Education Division."

This provision clarifies the plan requirements as they apply to the New York City schools, requiring separate plans for each educational component of the City School District.

(j)(2) "Nonpublic schools." Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.

This provision does not require nonpublic schools to employ certified guidance counselors.

NONDISCRIMINATION IN CURRICULAR OR EXTRACURRICULAR ACTIVITIES

C.R. 100.2(k)

(k) Nondiscrimination in curricular and extracurricular activities. No student shall be denied membership or participation, on the basis of race, sex, marital status, color, religion, national origin, or disability, in any program or activity which is included in a school program of curricular or extracurricular activities, provided that:

(1) in the case of students with handicapping conditions, such activity shall be appropriate to a student's special educational needs as identified by the committee on the handicapped;

(2) male and female participation in extraclass athletic activities shall be in accordance with the provisions set forth in section 135.4(c)(7) of this Chapter;

(3) a nonpublic school may limit admission to such school to students of a single sex and/or of a single religion or denomination; and

(4) a nonpublic school controlled by or affiliated with a religious organization may separate students on the basis of sex to the extent that such separation is required by the religious tenets of such organization.

POLICY

Consistent with sections 3201 and 3201-a of the Education Law, "no student shall be denied membership or participation, on the basis of race, sex, marital status, color, religion, national origin, or disability in any program or activity which is included in a school program of curricular or extracurricular activities..." This policy pervades all aspects of school programming and extracurricular programming. School board, school district and school building personnel share in the responsibility for maintaining an educational environment that is free from discrimination, harassment or coercion toward all persons, but particularly those who may have been subject to such treatment, intentionally or unintentionally, in the past. Providing a school climate free from discrimination, bias and stereotyping will enhance the opportunities provided to all students. Students of limited English proficiency must be provided access to all of the school's curricular and extracurricular activities. Public school admission procedures which might discriminate against students of limited English proficiency must be eliminated.

Students with handicapping conditions cannot be excluded from the opportunity to participate in curricular and extracurricular activities that are available for nonhandicapped students, unless it has been determined by the Committee on the Handicapped that participation in a particular activity would be inappropriate for a specific student.

GUIDELINES

It is important for all persons involved in the delivery of educational programs to recognize indicators of discrimination and to take action to alter inappropriate circumstances. These guidelines apply to all school activities and materials:

- Regular classroom instruction;
- Support services;
- Extracurricular activities and programs;
- Special assemblies and events such as career days;
- Textual materials;
- Audiovisual materials;
- Career education and guidance materials.

Following is a list of procedures which may be used to identify potential problems in a school:

- Examine the enrollment of minority students in special education classes which exceeds or underrepresents the enrollment in general education or academically talented classes. A disproportionate enrollment of minority and limited English proficient students could indicate possible discriminatory assignment policies.
- Analyze high enrollments of students of a single sex or handicapping condition in courses in occupational education as compared with enrollments by sex or handicapping condition in general education, science, mathematics or technological courses.
- Examine enrollments to determine if a disproportionate number of minority or limited English proficient students are in the lowest level general education classes, groups or remedial classes.
- Review curriculum to see if low expectations for minority students and students with handicapping conditions and students of limited English proficiency are revealed by minimal standards in instructional

objectives, course outlines, assignments and grading policies.

- Examine the learning environment to determine if an inappropriate or inadequate atmosphere for learning in predominantly minority schools or classes exists, as compared with non-minority schools or classes. Illustrations of inappropriate or inadequate environments include: disparate treatment in discipline; inadequate library or access to library services; overcrowded classrooms; level of instructional language inappropriate to the level of comprehension of the student; misuse of aids and computers to replace teacher contact; minimal parental involvement; and few academic enrichment projects and programs.

- Examine extracurricular programs to determine whether students with handicapping conditions are underrepresented in specific activities or overrepresented in others.

- Determine whether a specific district policy is furnished to guidance counselors and teachers which provides for appropriate participation of minority and handicapped students in non-academic programs.

- Examine whether disproportionate suspension, dropout and transfer rates apply to female, minority or handicapped students.

- Investigate whether disparities exist in the educational resources, both special and general, available to minority, limited English proficient, and non-minority and English-proficient students (i.e., facilities, materials, personnel, time).

- Compare the percentages of minority and limited English proficient students in occupational education courses and in college-preparatory courses with the minority student enrollment percentages.

- Examine the extent of minority and limited English proficient student participation in extracurricular activities compared with the minority student enrollment percentage.

- Examine the location of special education classes and classes for pupils of limited English proficiency. Are they clustered in certain buildings? Are they in isolated sections of the building? Are they generally smaller or more poorly furnished and equipped than other classrooms?

Following are strategies for gathering information on equity in your school district:

- Interview minority and non-minority male and female administrators, teachers and English proficient and limited English proficient students to determine: the climate for learning; disciplinary practices; expectations for achievement; school tracking and promotion procedures; selection criteria for special programs; systems for rewarding student efforts; parental involvement in schools; attendance and dropout rates; and diploma criteria.

- Compare a sample of school records of minority and non-minority students including limited English proficient, in the guidance or principal's office, noting placement in special education programs, Regents courses, remedial classes, higher-level mathematics courses, records of progress, and consistency of placement criteria used (i.e., I.Q. scores, standardized tests, teacher recommendations, parent permissions).

- Visit classrooms of high, average and low-ability students, noting: the percentage of minority and limited English proficient students in each class, as compared with the total minority enrollment; whether the environment is conducive to learning; the methods of providing reinforcement. Compare course content, quality and quantity of teaching materials, teacher-pupil ratio, etc., in classrooms of high, average and low ability students. Classrooms should reflect sex-neutral teaching behaviors.

- Analyze and compare Pupil Evaluation Program results and Regents Competency Test scores by race, limited English proficiency and sex.

- Review school building plans for alternative scheduling techniques to avoid classes segregated by sex, race or ethnic origin. Review program budgets and staffing patterns to assure comparability.

No single examination can definitely establish discrimination, but, collectively, indicators can identify potential problems which may hinder the performance of students.

PUBLIC SCHOOL DISTRICT POLICY ON
SCHOOL CONDUCT AND DISCIPLINE

C.R. 100.2(l)

(l) School conduct and discipline.

(l) On or before January 1, 1986, each school district shall adopt and implement a written policy on school conduct and discipline designed to promote responsible student behavior. The City School District of the City of New York shall adopt and implement a separate written policy for each community school district and for Central Board administered programs. Such a policy shall be developed locally in consultation with teachers, administrators, other school service professionals, students and parents, and shall include:

(i) a bill of rights and responsibilities of students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis;

(ii) a discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which shall be publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, board of education members, and parents;

(iii) strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law;

(iv) procedures within each building to involve pupil service personnel, administrators, teachers, parents and students in the early identification and resolution of discipline problems. For students identified as having handicapping conditions, such policy shall include procedures for determining when a student's conduct shall constitute a reason for referral to the committee on the handicapped for review and modification, if appropriate, of the student's individualized education program;

(v) alternative educational programs appropriate to individual student needs;

(vi) disciplinary measures for violation of the school policies developed in accordance with subparagraphs (ii) and (iii) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and

(vii) guidelines and programs for in-service education programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline.

(2) The board of education shall adopt such a policy, review it on an annual basis and amend it when appropriate. Each school district's policy on school conduct and discipline shall be filed in each school building, and shall be available for review by any individual.

(3) Corporal punishment. (i) The term corporal punishment, as, used in this section, shall mean any act of physical force upon a pupil for the purpose of punishing that pupil. Such term, as used in this section, shall not mean the use of reasonable physical force for any of the following purposes:

(a) to protect oneself from physical injury;
(b) to protect another pupil or teacher or any other person from physical injury;
(c) to protect the property of the school or of others; or
(d) to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts;

provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in clauses (a) through (d) of this subparagraph.

(ii) In every school district and supervisory district, the trustee, trustees, board of education or board of cooperative educational services shall submit a written semi-annual report to the Commissioner of Education, by January 15, and July 15 of each year, commencing July 1, 1985, setting forth the substance of each complaint about the use of corporal punishment received by the local

school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

POLICY

- Boards of cooperative educational services must comply with the provisions of this section.

- District policy on conduct and discipline must include procedures for determining when a handicapped student's conduct for which discipline is being considered should result in a referral back to the COH. The intent of this process is to ensure that all students are taught to assume responsibility for their behaviors while acknowledging that individual students should not be disciplined for failing to meet behavioral expectations which are unreasonable for that individual.

GUIDELINES

- School conduct and discipline should improve if:

  - the policy is developed by those individuals affected by it;

  - ample publicity is provided;

  - a predetermination of penalties, which avoids over-reaction and inconsistent responses, is established;

  - there are rewards for positive behavior.

In addition, success especially depends upon an effective building administrator who leads the staff in fair, firm, consistent implementation of the established policy.

- Following is a checklist for developing a school conduct and discipline code:

  - Collect all discipline policies, procedures, rules and regulations which have been established over time.

  - Review policies in light of current United States Supreme Court decisions, New York State Law and decisions of the Commissioner of Education.

  - Compile a list of currently acceptable policies, policies needing revision and examples of areas where a policy does not exist.

- The conduct and discipline code should be published in the language(s) understood by parents and students of limited English proficiency.

- Following is an outline of possible considerations for policy statements:

  A. Student inquiry and expression

     (1) Distribution of literature

     (2) Symbolic speech - buttons, armbands...

     (3) Patriotic ceremonies

  B. Student press

     (1) School newspaper

  C. Extracurricular activities and clubs

     (1) Registration of student groups

     (2) Use of school facilities

     (3) Exclusion from extracurricular activities

  D. Personal appearance

  E. Counseling

     (1) Marriage, pregnancy, parenthood

     (2) Personal problems - drugs, alcohol, child abuse

     (3) Confidentiality of communication

  F. Students with handicapping conditions

  G. Availability of student records

  H. Discipline

     (1) Smoking

     (2) Drugs and other substances

     (3) Suspension (in-school; out-of-school) and expulsion

     (4) Hearings

     (5) Corporal punishment

I. Search by school personnel

(1) Lockers

(2) Personal

(3) Class

J. Police in school

K. Motor vehicle use

L. Students of limited English proficiency

- Meet with teachers, administrators, school service professionals, students and parents to write, revise and develop full discipline code policy. Where necessary, conduct meetings in languages other than English.

- Present the policy to Board of Education for approval.

- For students with handicapping conditions:

  - In conjunction with developing policy on conduct and discipline, school districts should provide guidelines to assist professional school staff in determining when a handicapped student's behavior warrants a referral to the COH. These guidelines may include:

    -- a statement of intent describing the purpose and need for such referrals;

    -- situations which result in inappropriate behavior during a very short period and may not warrant a referral to the COH;

    -- the types and severity of prohibited behavior, which, under all circumstances would require a referral of the handicapped student to the COH for review; and

    -- suggestions for determining when a series of minor infractions begin to take on a pattern which warrants referral.

  - Assign a special education representative to the team of required consultants for the development of the policy.

  - Provide special educators and students in special education programs with information on conduct and discipline procedures.

- Provide profiles on student behavioral histories and successful disciplinary techniques to a teacher receiving students with behavioral problems.

- To help prevent behavior problems, provide teachers with in-service education on the modification of materials and instructional techniques and on a range of strategies for situations requiring disciplinary intervention.

PROCEDURE

- School districts and boards of cooperative educational services must report semi-annually, on January 15 and July 15, on complaints about the use of corporal punishment by school district or BOCES personnel to the Division of Child Development, Parent Education and Pupil Support Services, Room 364 EBA, State Education Department, Albany, New York 12234; (518) 474-4947.

COMPREHENSIVE ASSESSMENT REPORT, MEASURES TO IMPROVE SCHOOL RESULTS, AND COMPREHENSIVE SCHOOL IMPROVEMENT PLAN

C.R. 100.2(m)

(m) Comprehensive assessment report. By October 31 of each year, the State Education Department will submit to each school district and to each nonpublic school State test results for their respective comprehensive assessment reports. On or before December 15 of each year, the superintendent of each school district shall submit the comprehensive assessment report to the board of education of such district at a public meeting.

(1) The comprehensive assessment report for each school district and nonpublic school will include the following information, for each school building and each school district, for the three school years immediately preceding the school year in which the report is issued:

(i) Student test data on all pupil evaluation program tests, all Regents preliminary competency tests, all Regents competency tests, all program evaluation tests, all Regents examinations, all occupational education proficiency examinations and all second language proficiency examinations as defined in this Part;

(ii) Student enrollment by grade;

(iii) Student dropout and attendance rates for public schools;

(iv) Number of students transferred into the alternative high school equivalency preparation program as set forth in section 100.7(e) of this Part;

(v) Data, as required by the commissioner, on diplomas and certificates awarded;

(vi) Any additional information prescribed by the commissioner on educational equity and other issues; and

(vii) Any additional information which the superintendent of the school district or the chief administrative officer of the nonpublic school believes will reflect the relative assessment of a school building or district.

(2) Each board of education through the superintendent and in cooperation with the professional staff, and for nonpublic schools, the chief administrative officer of the school, shall initiate measures designed to improve results related to their respective comprehensive assessment reports.

(3) On or before October 31 of each year, the commissioner shall identify the school buildings most in need of assistance based on the items set forth in paragraph (1) of this subdivision. A comprehensive school improvement plan shall be developed for each such school building pursuant to subparagraph (i) of this paragraph, and shall address the areas in which the school has been determined to be in need of assistance.

Comprehensive Assessment Report

POLICY

The Comprehensive Assessment Report forwarded by the State Education Department will contain the following data for each school and for the district as a whole:

1. State test results
2. Graduation data
   a. Number of diploma candidates
   b. Number of candidates who received a local diploma
   c. Number of candidates who received a Regents diploma
   d. Number of candidates who failed to satisfy course requirements, competency testing requirements, and both
   e. Number of pupils with handicapping conditions who received a diploma (beginning fall 1986)
   f. Number of pupils with handicapping conditions who received a certificate
3. Number of pupils transferred to an alternative high school equivalency preparation program
4. Enrollment data, including racial/ethnic origin
5. Annual attendance rate (public schools only)

6. Annual dropout rate

7. Number of pupils with limited English proficiency (public schools only)

8. Average class size (public schools only)

9. Ratio of pupils to support staff (public schools only)

10. Socioeconomic data

11. Pupil mobility data (beginning fall 1986)

- The nonpublic school or school district may add any other information that would help the board of education evaluate educational effectiveness; e.g., standardized test data.

- The Comprehensive Assessment Report (CAR) requirement applies only to individual schools and school districts. Student test results on programs offered at BOCES will be reported in the Comprehensive Assessment Report through the student's home school.

- A user manual will be issued to assist local school officials to interpret and use the Comprehensive Assessment Report. It will be especially useful in providing information to the public.

Measures to Improve School Results

POLICY

Required implementation of measures in all public and nonpublic schools to improve results based on the Comprehensive Assessment Report shall begin no later than September of the following school year.

GUIDELINES

See the Guidelines for the Comprehensive School Improvement Plan, below.

Comprehensive School Improvement Plan

Public Schools:

POLICY

For those school buildings identified as most in need, the comprehensive school improvement plan must be developed in cooperation with professional staff and approved by the board of education of the school district and the Executive Committee of the designated Effective School Consortium.

The format for the comprehensive school improvement plan must conform to the following guidelines.

GUIDELINES

- School Improvement Planning: A collaborative planning process enables school administrators and staff to decide on the best use and reallocation of their school's resources. To be most effective the total school community including board members and other community representatives must be involved. This involvement establishes ownership and a commitment to succeed on the part of those participating. It is recommended that each school in New York State use the collaborative planning process and materials developed by the Department's Effective School Consortium Office to develop and implement a school improvement plan. Collaborative planning has proven to be the most effective means of ensuring that "measures designed to improve results" are instituted.

- Effective School Characteristics: The analysis of pupil test data is important to determine student progress and identify concerns. However, effective school research has highlighted other areas which are integral to effective planning and implementation of a school improvement process which leads to improved results. These include: (1) academic goals, (2) clearly defined curricula, (3) monitoring of student progress, (4) teacher/staff effectiveness, (5) administrative leadership, (6) rewards and incentives, (7) order and discipline, (8) opportunities for student responsibility and participation, (9) parent and community involvement, (10) positive school climate, and (11) a planning process.

- Planning Procedure: The following guidelines suggest a process for developing a school improvement plan. A more detailed description of the process is contained in the Education Department's publication, Resource Allocation Plan - A Suggested Process: Building and District Approach to Planning.

  - The school principal will organize and co-chair with a staff member a planning committee to develop and conduct the planning process. Opinions of community members will be elicited and given consideration during the entire process. Parents of children enrolled in the school should be among those engaged in both planning and implementation.

  - The planning committee will identify local, regional, State and Federal resources that could be used to support the activities of the plan.

- The planning committee will prepare a plan pertaining to their school specifying how the tasks described below will be accomplished:

  a. Prepare a description of the school's program, staffing, facilities, resources, and pupil performance.
  b. Identify the strengths, areas needing improvement, and needs of the school; set priorities and goals that are compatible with district policy and are both realistic and achievable.
  c. Translate priorities and goals into measurable objectives which address specific needs. (Most objectives should be achievable in a single year, though some may require a longer period.)
  d. Establish an evaluation system incorporating the collection of information and assessment of each objective.
  e. Specify activities to insure attainment of each objective and evaluation of the results. Responsibilities and dates for completion must be understood by everyone concerned.

- The planning committee will conduct activities designed to achieve objectives.

- Plan Components: It is essential that the school improvement plan incorporate the following elements:

A. Needs

1. As evidenced by hard data (PEP, PCT, RCT, occupational education proficiency examinations and Regents examination results, dropout and attendance rates)
2. As perceived by participants (needs assessment surveys of staff, community, students and parents)
3. The Education Department's High School, Junior High/Middle School and the Elementary School Self-Assessment Guides, available July 1, 1985 from the Division of School Supervision, may be used in collecting information about the current status of the schools. The guides can serve as an instrument for a needs assessment. In addition, the Department's publication, Resource Allocation Plan: A Suggested Process contains an appendix with needs assessment surveys and report forms.

B. Goals

1. Organized in priority order
2. Designed to be reached in two to five years

C. Measurable Objectives

1. Related to established goals
2. Designed to be accomplished in a year or less
3. Matched to available resources

D. Activities

1. Related to each measurable objective
2. Specifying the purpose, expected outcomes, persons responsible, timeline, and budget required
3. Established date for completion and evaluation

E. Formative Evaluation

1. Related to each activity
2. Designed to measure the success in meeting the measurable objective
3. Completed at the conclusion of each activity

F. Summative Evaluation

1. Designed to measure the degree of success in achieving the objectives and goals
2. Completed at the end of each year

- Plan Coordination: Other plans such as the staff development plan and the Chapter I/PSEN comprehensive plan should be incorporated as a part of the school improvement plan. Establishing a relationship between the school improvement plan and other existing plans will allow for the most effective allocation of resources.

PROCEDURES

The procedures for the review and approval of the Comprehensive School Improvement Plan (CSIP) required of each school identified by the Commissioner will be as follows:

1. The local school superintendent will submit the board approved CSIP to the designated Effective School Consortium Executive Committee by April 30.

2. The Effective School Consortium team members, comprised of staff assigned by the Education Department, and Consortium staff will review all plans and make recommendations to the Executive Committee.

   (a) If the CSIP is approvable, the Executive Committee Chairperson will forward a copy of the school improvement plan along with a recommendation for approval to the State Education Department.

(b) If the CSIP is in need of revision, the Executive Committee Chairperson will notify the district and offer technical assistance through the Effective School Consortium. Assigned staff will conduct the delivery of this assistance to the district or building as appropriate. After revision, the plan must be resubmitted to the local board of education for reapproval, then to the Executive Committee for reconsideration. The district must resubmit its plan to the Executive Committee within 30 days from notification of the need for revision.

3. Formal letters of approval will be sent to each school district by the Deputy Commissioner for Elementary, Secondary and Continuing Education.

4. The Effective School Consortium Executive Committee, in cooperation with assigned staff, will assist districts and schools in providing technical assistance to achieve goals and objectives as contained in their approved CSIP.

5. The Division of School Registration and Supervision will coordinate school registration and the monitoring of Part 100 of the Regulations of the Commissioner.

Nonpublic Schools

POLICY

1. A user's manual will be issued to assist school officials to interpret and use the CAR.

2. Schools identified through the CAR are required to submit a school improvement plan to the State Education Department no later than April 30 of the school year in which they are identified.

3. The plan should be developed following procedures outlined in the Education Department's publication, Resource Allocation Plan - A Suggested Process: Building and District Approach to Planning, adapting them to the needs of the nonpublic school.

4. The chief administrative officer of the school, staff and board members and parents, should be involved in the development of the plan, as appropriate.

GUIDELINES

(These guidelines suggest a process for developing a school improvement plan):

1. The school principal should organize a planning committee to develop and conduct the planning process. Opinions of the school community should be elicited and given consideration during the entire process. Parents of children enrolled in the school should be among those engaged in both planning and implementation.

2. The planning committee should prepare a plan specifying how the tasks described below will be accomplished:

   a. Prepare a description of the school's program, staffing, resources, facilities and pupil performance.

   b. Identify the strengths, areas needing improvement, and needs of the school; set priorities and goals that are compatible with the school's philosophy.

   c. Translate priorities and goals into measurable objectives which address specific needs.

   d. Establish an evaluation system incorporating the collection of information and assessment of each objective.

   e. Specify activities to insure attainment of each objective and evaluation of the results. Responsibilities and dates for completion must be understood by everyone concerned.

   f. Evaluate the extent to which activities have been completed and objectives achieved.

Plan Components:

1. Hard data such as PEP, PCT, RCT, occupational education proficiency and Regents examination results, dropout and attendance rates.

2. A needs assessment survey of staff, students and parents.

3. The Education Department's High School, Junior High/Middle School and the Elementary School Self-Assessment Guides, available from the Bureau of School Supervision, may be used in collecting information about the current status of the school. These guides will help provide a qualitative overview of the total school operation and provide data about each of the program offerings of the school.

Review and Approval Process:

1. The chief administrative officer of the school must submit the approved Comprehensive School Improvement Plan (CSIP) to the State Education Department no later than April 30.

2. If the CSIP is in need of revision, technical assistance will be made available to the school.

3. Formal letters of approval will be sent to each school district by the Deputy Commissioner for Elementary, Secondary and Continuing Education.

4. The State Education Department will assist schools in monitoring progress in the achievement of goals and objectives as contained in their CSIP.

VARIANCES FOR PROGRAMS AND SPECIAL FOCUS SCHOOLS

C.R. 100.2(n)

The application form for variances on page 15.3 cites this Section of the Regulations (page 15.9).

POLICY

- See the directions on the following page for completing an application for a variance.

- If a school obtains a variance for a program to which a State test is connected, a variance will also be given for the testing, if it is requested. However, a variance will be given only if the school meets the provisions of Section 100.2(f) concerning the use of alternative examinations.

PROCEDURE

Complete the application on the following pages.

If the preparer of this application is uncertain as to the interpretation of a requirement in Part 100, he or she may contact the Bureau of School Supervision, Room 668 EBA, State Education Department, Albany, New York 12234; (518) 474-5894.

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Division of School Registration and Supervision

APPLICATION FOR VARIANCES FOR PROGRAMS AND SPECIAL FOCUS SCHOOLS
(As provided in Paragraph 100.2(n) of
the Regulations of the Commissioner of Education)

PLEASE READ ALL OF THE FOLLOWING DIRECTIONS BEFORE PREPARING THE APPLICATION

Paragraph 100.2(n) of the Commissioner's Regulations provides for variances from the requirements in Part 100 for programs and special focus schools. The following statement is excerpted from the regulation: "Except as otherwise provided for State test or examination requirements pursuant to Section 100.2(f) of this Part, the Commissioner may grant variances from the provisions of this Part, upon a finding that a variance will enable a school to implement a program designed to provide excellence in education." Attached is a complete citation of Section 100.2(n).

NOTE: The application for variances for the following purposes should not be made under Section 100.2(n):

- The education of children with handicapping conditions - Contact the appropriate regional office of the Office for Education of Children with Handicapping Conditions for questions pertaining to CR Part 200, Programs for Children with Handicapping Conditions.
- Course approvals for Regents credit - For approval of Regents credit for courses which do not follow a State syllabus, contact the Division for Program Development at (518) 474-5897.
- School emergencies - For variances related to major emergencies, e.g., a fire in a building, contact the Bureau of School Supervision at (518) 474-5894.
- Eligibility for admission to an alternative high school equivalency diploma preparation program - For variances to the eligibility requirements, follow the procedure in CR 100.7(g) on page 47.7 of this handbook.
- Assignment of principals - For approval of variances in the assignment of a full-time principal to each school, follow the procedures on pages 4.1-3 in this handbook.

Guidelines

- An application for a variance under 100.2n will be considered for approval if the program of study is at least equivalent to minimum requirements in CR Part 100 or provides a substantially different approach to program requirements in the Regents Action Plan. The statement of outcomes for students and the means for determining those outcomes will be a major factor in approving the variance.

- An application for a variance must be received at least six months in advance of the proposed starting date of the program dependent on the variance.

- A school which is accredited by a State or regional accrediting body recognized by the Commissioner may elect to use the accrediting body's report to justify the variance instead of completing sections B, C, and D of this application (below). If this option is elected, attach the sections of the accreditation report related to the specific regulation to be waived to this application. The school may submit additional data to support the application.

- Changes in an approved variance which significantly affect the objectives or student outcomes require advance approval. Forward such requests at least one month prior to implementation of such change to the Bureau of School Supervision, State Education Department, Albany, New York 12234.

- Approvals for variances for high schools must be available to State Education Department staff during registration visits. Evaluation data related to the program approved for variance should be retained for five years after the termination of the variance or after implementation in the case of long-term variances, for audit by the State Education Department.

Procedure

Forward two copies of the application as indicated on the attached cover page (page 15.7). Fill out the cover page and attach it to the following information:

A. Specific subparts or paragraphs for which variance is requested

List the number and title or brief description of each subpart or paragraph of CR Part 100 for which a variance is requested.

B. Description of Program or Activities

The description of the program and/or activities and attachments hereto must be in sufficient detail to enable State Education Department reviewers to understand what is proposed. Describe the program of activities which will be used to meet each goal or objective included. Attach information which helps to explain the program or activities. For each program activity or component include the beginning date and ending date. Approval automatically terminates on the ending date approved by the State Education Department.

Each application must include the following:

1. the specific regulation(s) for which a variance is requested;

2. the reason for the variance request;

3. a description of the activities designed to achieve the objectives (student objectives);

4. a rationale of why the activities are expected to achieve the objectives;

5. a description of the relationship between this request and the school's measures to improve school results or the Comprehensive School Improvement Plan in accordance with CR 100.2(m)(2) and (3) on pages 14.1 and following in this handbook;

6. how this variance provides a program at least equivalent to the minimum requirements or offers a substantially different approach to achieving the program requirements in the regulations;

7. the number of students affected and the length of time they will be thus affected;

8. a description of how this variance affects special populations; e.g., handicapped students, gifted, limited English proficient;

9. a statement of assurance that the variance will not deny any student opportunity to meet the minimum requirements;

10. a description of the testing component of this request, if applicable;

11. a description of how the variance affects the remainder of the school program; and,

12. a description of the relationship, if any, of the variance to the State syllabi.

C. Evaluation

Describe how the process and product of program and/or activities will be evaluated and how the evaluative results will be used.

D. Reports

1. The nonpublic school administrator or superintendent of schools must submit a follow-up report to the Bureau of School Supervision within six calendar months after the ending date of the approved program and/or activities. For programs continuing beyond one school year, a report must be submitted within one month after the end of each school year.

2. Each report must include the following:

   a. A description of the implementation of the program or activities in relation to the description in the request for approval.

   b. The evaluative results.

   c. How the evaluative results were used.

Assistance - If the preparer of this application is uncertain as to the interpretation of a requirement in CR Part 100, he or she may contact the Bureau of School Supervision, State Education Department, Albany, New York 12234.

New York State Education Department
Assistant Commissioner for District Superintendents, School District Organization and Development
Division of School Registration and Supervision

APPLICATION FOR APPROVAL OF VARIANCES FOR PROGRAMS AND SPECIAL FOCUS SCHOOLS

To: The Assistant Commissioner for District Superintendents,
School District Organization and Development
State Education Department

From:

School _____

School District Name (Public only) _____

Address _____

Name of Person Completing This Form _____

Title _____

Address _____

Telephone Number _____

I request approval of the following variance(s) from the provisions of Part 100 of the Regulations of the Commissioner of Education as provided by Section 100.2(n). I understand that the purpose of this variance must be to enable the implementation of a program designed to provide excellence in education. I have also read and understand Section 100.2(n) of the Regulations of the Commissioner. The attached application has been completed in accordance with the accompanying instructions.

_____
Typewritten or Printed Name of the Superintendent of Schools
or Nonpublic School Head Administrator

_____
Signature of the Superintendent of Schools Date Signed
or Nonpublic School Head Administrator

Please forward two copies of this application to:

Bureau of School Supervision
Room 668 EBA
State Education Department
Albany, New York 12234

For assistance, write or call the Bureau of School Supervision at 518: 474-5894

Paragraph 100.2(n) of the Regulations of the Commissioner of Education

(n) Variances for programs and special focus schools. Except as otherwise provided for State test or examination requirements pursuant to section 100.2(f) of this Part, the commissioner may grant variances from the provisions of this Part upon a finding that a variance will enable a school to implement a program designed to provide excellence in education. A school or school district shall submit an application for a variance in the form prescribed by the commissioner at least six months in advance of the proposed starting date of the program. Such application shall set forth:

(1) The specific regulation(s) from which a variance is requested;
(2) The need for such variance;
(3) A detailed description of the program or activities which will be substituted for the requirement for which the variance is requested;
(4) The expected time needed to carry out the substitute program or activities;
(5) A plan for evaluating the substitute program or activities;
(6) The school or school district's agreement to submit a follow-up report to the commissioner within six months after conclusion of the substitute program or activities, and within one month after the end of each school year in the case of ongoing substitute programs or activities; and
(7) In lieu of the requirements set forth in paragraphs (2) through (6) of this subdivision, a statement, and supporting evidence, concerning the school's status of accreditation by a statewide or regional accrediting body recognized by the commissioner.

ANNUAL PROFESSIONAL PERFORMANCE REVIEW

C.R. 100.2(o)

(o) Annual professional performance review. The governing body of each school district and board of cooperative educational services shall ensure that the performance of all professional personnel, except evening school teachers of nonacademic, avocational subjects, will be reviewed annually.

(1) Each superintendent, in consultation with teachers, administrators and other school service professionals, selected by the superintendent with the advice of their respective peers, shall develop formal procedures for the review of the performance of all such personnel in the district. Such procedures shall be approved by the governing body of the district, filed in the district office, and available for review by any individual no later than August 1st of each year. Formal procedures for the review of the performance of all such personnel shall include:

(i) criteria by which all such personnel shall be reviewed, and a description of the review procedures;

(ii) a description of review activities, including:

(a) the minimum number of observations;

(b) the frequency of observation; and

(c) provisions for a follow-up meeting for the reviewer to commend strengths of performance and discuss the need for improvement, if necessary, with the staff person being reviewed;

(iii) methods used to record review results; and

(iv) procedures used to:

(a) ensure that all such personnel are acquainted with the performance review procedures; and

(b) ensure that each individual who is reviewed in accordance with the provisions of this subdivision has the opportunity to provide written comment on his or her performance review.

(2) The board of education shall annually review the performance of the superintendent of schools according

to procedures developed by such board in consultation with the superintendent. Such procedures shall be filed in the district office, and available for review by any individual no later than August 1st of each year.

POLICY

- School district procedures for annual professional performance reviews may provide for reviews by peers.

- Since the Regulations did not go into effect until September 1, 1985, the procedures for the annual professional performance reviews, for the first year, do not have to be filed in the district office until August 1, 1986. Annual professional performance reviews commence in the 1986-87 school year.

- As they pertain to professional performance review, employer/employee contracts in force as of the date of approval of the new Part 100 of Commissioner's Regulations (November 16, 1984), were not abrogated by these Regulations. A contract entered into after November 16, 1984 must reflect the provisions of this Section with respect to the annual professional performance review. The preceding sentence applies even when the contract is retroactive to a date prior to November 16, 1984.

GUIDELINES

- If a school district publishes a faculty handbook, it is recommended that the handbook include a description of the annual professional performance review. At a minimum, the handbook should explain where a copy of the procedures may be found.

- Inasmuch as administrators usually do not carry out classroom teaching, the performance review activities for administrators may not necessarily include observations. Supervisors who teach also carry out administrative responsibilities. Consequently, other appropriate review activities for administrators and supervisors may be instituted in addition to or in place of, as appropriate classroom observations. For example, the administrator or supervisor prepares a list of objectives to be achieved and related activities to be implemented during the evaluation period. The person to whom the administrator or supervisor reports approves the list. At the conclusion of the evaluation period the administrator or supervisor submits a report and evidence in regard to the degree the objectives have been achieved. The evaluator meets

with the administrator or supervisor to review the report.

- Annual performance reviews should be used to determine individual and group staff development needs.

- School officials may decide that a personal observation of performance of each professional each year is not needed. In such cases, an appropriate alternate procedure for annual review is necessary.

REGISTRATION OF HIGH SCHOOLS

C.R. 100.2(p)

(p) Registration of high schools. Only those public and nonpublic high schools which are registered by the Board of Regents, upon the recommendation of the Commissioner, may issue diplomas and administer Regents examinations.

Policy

- Beginning in 1986-87, public and nonpublic schools will be visited for registration at least once every ten years.

- To be registered, a high school must meet standards set by the Board of Regents and be in compliance with applicable Education Law, Regents' Rules, and Commissioner's Regulations. While the standards may be changed from time to time, since 1980-81, the standards have been:

  - Student Competency Rate. At least 85% of the members of the most recent graduating class have met the State competency testing requirements.

  - Student Retention Rate. The student retention rate must have been higher than 90% in the year prior to the registration visit. However, a rate between 88% and 90%, inclusive, is acceptable if the trend for the most recent three years was at least one-half percentage point higher in each succeeding year.

SCREENING OF TRANSFER STUDENTS TO DETERMINE
NEED FOR REMEDIATION (GRADES 4-8)

C.R. 100.2(r)

(r) Transfer students.

(1) In addition to the requirements set forth in sections 100.3(b), 100.4(d) and (e), and 117.3 of this Title, students entering the New York State school system for the first time, or reentering the New York State school system with no available records, shall be screened to determine the need for remedial instruction. The principal shall determine each such student's need for remedial instruction by administering a State-developed or State-approved examination or by reviewing appropriate nationally standardized test results in such student's transcript, where available. Such students shall be screened as follows:

(i) Students entering grade 4, 5, 7 or 8 shall be screened to determine the need for remedial instruction in reading and mathematics.

(ii) Students entering grade 6, 7 or 8 shall be screened to determine the need for remedial instruction in writing.

(2) Students who score below a point designated by the commissioner on any screening test shall be provided appropriate remedial instruction designed to enable them to score above the State reference point on the appropriate preliminary competency tests or pass the appropriate Regents competency tests.

(3) A student who shall be provided remedial instruction, and the parent or guardian of such student, shall be notified in writing, by the principal, of the test results and the plan for remedial instruction. Such remedial instruction shall begin no later than commencement of the school semester immediately following the semester in which the test was administered.

POLICY

- The screening required by this Section of the Regulations must be completed in addition to the screening for handicapping conditions required by Section 117.3, and screening for proficiency in English.

- For State tests, students scoring below the State reference point must be provided remedial instruction. For nationally standardized tests, students scoring

below the 40th percentile must be provided remedial instruction.

- If a student's record contains the results of standardized tests administered within the past year, these scores may be used for screening purposes.

- The chart on the following page contains recommended screening procedures using State tests and nationally standardized tests. Forward requests for permission to use other tests to the Division of Educational Testing.

- All parents of limited English proficiency whose native language is other than English shall be notified in their native language.

100.2 (r)

Grade of Entry	Subject		
	Reading	Writing	Mathematics
3	Use PEP test.	No screening required.	Use PEP test.
4	Use nationally standardized test.	No screening required.	Use nationally standardized test.
5	Use nationally standardized test.	Use PEP test.	Use nationally standardized test.
6	Use PEP test.	Use PEP test. Rate responses in terms of sixth-grade expectations.	Use PEP test.
7	Use nationally standardized test.	Use old form of the PCT. Rate responses in terms of seventh-grade expectations.	Use nationally standardized test.
8	Use PCT if administered regularly in this grade. Otherwise use nationally standardized test.	Use current form of PCT if administered regularly in this grade. Otherwise use old form of the PCT.	Use nationally standardized test.
9	Use PCT if administered regularly in this grade. Otherwise use nationally standardized test.	Use current form of PCT if administered regularly in this grade. Otherwise use old form of the PCT.	Student will take RCT or Regents examination in mathematics.
10	Use nationally standardized test.	Use PCT.	
11	Administer RCT's in January to students entering during the fall semester. Requirements may be waived for students entering in spring semester and thereafter.		Math competency requirement may be waived for students entering in grades 11 or 12.

GENERAL SCHOOL REQUIREMENTS FOR STUDENTS WITH HANDICAPPING CONDITIONS

C.R. 100.2(s)

(s) Students with handicapping conditions.

(1) Each student with a handicapping condition, as such term is defined in section 200.1(cc) of this Title, shall have access to the full range of programs and services set forth in this Part to the extent that such programs and services are appropriate to such student's special educational needs.

(2) Instructional techniques and materials used by schools shall be modified to the extent appropriate to provide the opportunity for students with handicapping conditions to meet diploma requirements. At each annual review of a student's individualized education program, the committee on the handicapped shall consider the appropriateness of such modifications.

POLICY

Students with handicapping conditions must have access to the total educational program as appropriate to their individual educational needs. During the annual review process, the Committee on the Handicapped must consider what instructional techniques and modifications are being provided so that appropriate recommendations for revisions can be made. Students with handicapping conditions who are also of limited English proficiency must receive bilingual special education services.

GUIDELINES

The requirement set forth in Section 100.2(s) establishes two key themes of access and participation related to children with handicapping conditions that are evidenced throughout the Regents Action Plan and Part 100. To assure appropriate access and participation, districts must regularly analyze their programs, giving consideration to such issues as:

- The level of current participation of students with handicapping conditions in all curricular and extracurricular programs of the district;
- Whether the data currently collected and included in district plans and reports are sufficient to evaluate student access to programs and student opportunities for participation;
- The effectiveness of creative and alternative approaches used in providing curriculum content and

fostering progress toward course objectives for students with handicapping conditions;

- The materials and resources which are currently available, and/or which may be needed to assist teachers in implementing appropriate modifications for handicapped children within the general and special education classroom;

- The extent to which available training and in-service topics emphasize innovative teaching strategies, coordination between regular and special education staff and support for students with different strengths and abilities.

Effective communication among parents, teachers and students will help implement full access to programs in a manner beneficial to the learner. Administrative support and direction in this area are critical to allow students with handicapping conditions to meet their potential and to achieve minimum standards.

C.R. 100.3

Program Requirements for Students in Grades Pre-Kindergarten through Six

PROGRAM REQUIREMENTS FOR STUDENTS
IN GRADES PRE-KINDERGARTEN THROUGH SIX

C.R. 100.3(a) and (b)

(a) Prekindergarten and kindergarten programs in public schools and in voluntarily registered nonpublic schools.

(1) Each school operating a prekindergarten or kindergarten program shall establish and provide an educational program based on and adapted to the ages, interests and needs of the children. Learning activities in such programs shall include:

(i) development of communication skills and exposure to literature;

(ii) dramatic play, creative art and music activities;

(iii) participation in group projects, discussion and games;

(iv) science and mathematical experiences; and

(v) large muscle activities in pre-kindergarten, and instruction in physical education pursuant to section 135.4(c)(2)(i) of this Title in kindergarten; and

(vi) instruction in health education for students in kindergarten pursuant to Section 135.3(b) of this Title.

(2) Each such school operating a prekindergarten or kindergarten program shall develop procedures to actively involve each child's parents or guardians in such programs.

(b) Program requirements in grades one through six.

(1) Required subjects. During grades one through six, all students shall recive instruction in arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education and, where student need is established, bilingual education and/or English as a second language.

(i) Instruction in health education shall be pursuant to section 135.3(b) of this Title.

(ii) Instruction in physical education shall be pursuant to section 135.4(c)(2)(i) of this Title.

(2) Required academic tests. At the specified grade level, all students shall take the following tests, provided that alternative testing procedures may be used as provided for in section 100.2(g) of this Part:

(i) The pupil evaluation program tests in reading and mathematics in the third grade;

(ii) The pupil evaluation program test in writing in the fifth grade;

(iii) The pupil evaluation program tests in reading and mathematics in the sixth grade;

(iv) The program evaluation test in social studies by the end of the sixth grade, beginning in May 1987; and

(v) The program evaluation test in science by the end of the sixth grade, beginning in May 1989.

(3) Remedial instruction. Students who score below the designated State reference point on a third-grade pupil evaluation program test shall be provided appropriate remedial instruction designed to enable them to score above the State reference point on the corresponding sixth grade pupil evaluaton program test. Students who score below the designated State reference point on a fifth-grade or sixth-grade pupil evaluation program test shall be provided appropriate remedial instruction designed to enable them to score above the State reference point on a corresponding preliminary competency test or pass the Regents competency test in mathematics. The parent or guardian of a student who is to be provided remedial instruction shall be notified in writing, by the principal, of the pupil evaluation program test results and the plan for remedial instruction, which shall begin no later than the commencement of the school semester after which the test is given.

GUIDELINES

- No specific time allocation for each subject of instruction is required.

- It is recommended that the State syllabi be followed.

Pre-Kindergarten and Kindergarten

- All relevant laws and Commissioner's Regulations apply to all pre-kindergarten and kindergarten programs administered by public schools, regardless of funding source.

- Nonpublic schools with pre-kindergarten and kindergarten programs which are voluntarily registered by the Education Department are generally considered equivalent to public schools.

- The recommended class size for pre-kindergarten is 15-18 with a teacher and an aide or assistant; the recommended class size for kindergarten is 20-24. A teacher aide pursuant to Section 80.33(a) or a teaching assistant, Section 80.33(b) of the Commissioner's Regulations, may assist the teacher in the classroom.

- Ancillary staff should be available to provide comprehensive health, mental health and social services.

- Self-contained classrooms are recommended for pre-kindergarten and kindergarten programs. Specialized staff should be available to classroom staff to assist in providing enrichment, including art, music, movement, library services, etc.

- The recommended curriculum for pre-kindergarten and kindergarten children should be learner, rather than content, oriented. The schedule should be planned in large blocks of time with many opportunities for choices. Full days should be paced to take into account children's physical needs.

- Nutritious snacks and nutrition education should be included in the program.

- School districts should plan for meaningful involvement of parents in children's education. Involvement should include opportunities for small discussion groups. These should be conducted in the language(s) spoken by the parents.

- Staff development for the total staff should include work with parents. Consideration must be given to the home language and culture.

- The needs of students of limited English proficiency should be addressed in accordance with Part 100 of the Commissioner's Regulations.

Art and Music

GUIDELINES

- The Department recommends the following time allocations for art and music. In Grades 1-3, at least 10% of the weekly time spent in school should be allocated to art and 10% to music; in grades 4-6, at least 5% of the weekly time spent in school should be allocated to art and 5% to music.

- Although instruction at this level by a certified art and music teacher is not specifically mandated by the Regulations it is recommended. If the classroom teacher alone must provide the art and music instruction, it is recommended that he or she should use State syllabi and meet the suggested time allocation. The preceding syllabus and time recommendations apply to certified art and music teachers, as well.

Keyboarding

GUIDELINES

The Regents Action Plan to Improve Elementary and Secondary Education Results in New York State includes the following statement: "Instruction in keyboarding will be included in the State-developed English Language Arts Syllabus."

With the advent of computers as tools in the home, classroom and workplace, keyboarding has become an important basic skill. Students are increasingly being offered opportunities to use electronic keyboards in leisure, as well as educational activities. As computers become more prevalent in homes and classrooms, students will need to become familiar with fundamental keyboarding techniques and keyboarding functions in order to enter, retrieve, manipulate and store data.

One of the most promising developments of the use of electronic keyboards and computers in the school is their potential impact on the language arts program. Keyboarding is an important enabling skill for developing competence in:

- keying in reponses to interactive educational drill and practice coursework;

- accessing information from a data base;

- participating in computerized learning games and simulations;

- organizing and analyzing data;
- recording ideas, drafting, revising and editing writing.

In these contexts, keyboarding skill can enhance active, purposeful, meaning-centered use of language to think and to communicate creatively.

The following general guidelines are important to consider in providing efficient and effective keyboarding instruction.

- Keyboarding instruction is integrated into the elementary language arts program as an enabling skill for manipulating data and ideas, thus allowing students to discover, record, arrange and communicate information in a way never before possible.
- Students are provided instruction in basic keyboarding techniques at the grade level in which they are first expected to use electronic keyboards in learning situations requiring efficient input, retrieval and manipulation of words, symbols, and data.
- Because of the large number of symbols and command functions available on electronic keyboards, instruction should focus on correct fingering techniques from home row locations, with emphasis on accuracy, rather than speed.
- Sequential and cumulative introduction of new keys with opportunities for practice and application are essential for students to learn effective keyboarding fundamentals.
- Brief, frequent, scheduled instruction is more beneficial than random, sporadic, and lengthy practice sessions.
- Keyboards (electronic typewriters or computers) should be readily available for students to use independently for practice and application of new skills they learn during instructional time.
- Furniture and equipment should be adjustable to accommodate a range of pupil sizes so that students may comfortably attain proper body position and posture for effective operation of keyboards.
- Instructional materials, such as texts, charts, and software should be appropriate for the developmental level of pupils for whom they are intended and for the objectives of the program.
- In order for pupil learning to be most effective, it is important that elementary classroom teachers have adequate

training in the instructional goals, objectives and methodology of keyboarding instruction.

- Teachers responsible for providing keyboarding instruction should be familiar with the strengths and limitations of instructional support materials and their appropriate use in elementary keyboarding instruction.

- Business education teachers should be called upon to assist in the development of keyboarding curricula, inservice training, and selection of materials and methodology.

- Students in special education classes should have access to acquiring keyboarding skills and should be afforded alternative applications or prosthetic devices to gain access to these skills.

School district personnel who are responsible for purchasing electronic keyboard machines should be aware that "convertible" equipment, which allows students to use more than one arrangement of keys, is becoming available. While the QWERTY keyboard is the most common one in use, other keyboards which contain different arrangements of keys are appearing on the market. Keyboarding instruction should be based on the system which students are likely to be using in subsequent years.

In order for students to learn keyboarding skills and habits more effectively, teachers who are responsible for providing instruction should be trained in methods and techniques for teaching methodology. Training should address approaches to motivation and goal setting, ways to introduce new skills, sequencing and pacing, strategies for providing reinforcement and corrections, and evaluation techniques. Regardless of the mode of instruction selected, whether it be direct instruction by a teacher or in a tutorial setting with computers, those responsible for teaching keyboarding must receive some training in appropriate methodology.

The Department will distribute guidelines for elementary school keyboarding instruction in the 1985-86 school year. This guide will include suggested instructional strategies and activities to assist students in learning and applying keyboarding skills.

Program Evaluation Tests in Science and Social Studies

POLICY

- The elementary science and social studies program evaluation tests will not be similar to the Pupil Evaluation Program (PEP) tests in Reading and Mathematics. The purpose is to assess the effectiveness of the local elementary science and social studies programs and not to determine which individual students

have "passed" or "failed" elementary science and social studies. The total assessment program, to be administered by the end of the 6th grade, will initially include such evaluative techniques as multiple choice paper-pencil tests, and writing exercises. The program evaluation will be based upon the New York State elementary science syllabus and the New York State social studies program.

- The tests will not have a pass/fail design. There will be no requirement that remedial programs in science or social studies be instituted for individual students whose performance in science and/or social studies is below expectation. It is the responsibility of districts and schools to design an appropriate local program to address the outcomes as specified in the State syllabi.

C.R. 100.4

Program Requirements for Students in Grades 7 and 8

INTRODUCTION TO TECHNOLOGY AND HOME AND CAREER SKILLS
REQUIREMENTS IN GRADES 7 AND 8

C.R. 100.4(a)(1) and (2)and (b)(1)and(2)(v) and (vi) and (3)(i), (ii) and (iv) and (4)

(a) Definitions

(1) Technology education means a program of instruction designed to develop an understanding of systems in fields such as production, transportation, construction, communications and agriculture by emphasizing applied activities through working with tools, machines and devices used in the home and the workplace.

(2) Home and career skills means a program of instruction primarily through applied activities designed to prepare students to meet their responsibilities and understand their opportunities as parents or other members of families, consumers, home managers and wage earners.

(b) Course requirements in grades seven and eight.

(1) Students completing grade eight by June 1986 shall receive instruction in . . . practical arts.

(2) Except as otherwise provided herein, students completing grade eight in June 1987 or thereafter shall have completed, by the end of grade eight, the following required instruction or its equivalent:

...

(v) For students completing grade eight in June 1988 or thereafter, technology education, one unit of study;

(vi) For students completing grade eight in June 1988 or thereafter, home and career skills, three quarters of a unit of study; ...

(3) The requirements for technology education and home and career skills . . . may be met by the integration of the learning outcomes of such subjects into other courses in accordance with the following criteria:

(i) In public schools, the unit of study requirements specified in subparagraphs (2)(v), (vi) and/or (xi) of this subdivision are met

(ii) In public schools the subjects of technology education and home and career skills shall be taught by persons certified to teach those subjects.

...

(iv) In nonpublic schools, the unit of study requirements specified in subparagraphs (2) (v), (vi) and/or (xi) of this subdivision may be met, or their equivalents may be met, by the incorporation of the learning outcomes of such subjects into the syllabi for other courses and/or by appropriate results on examinations which demonstrate student mastery of the learning outcomes of such subjects. The chief administrative officer of a nonpublic school shall document the manner in which such nonpublic school has implemented the provisions of this subparagraph. Such documentation shall be in writing and available for review upon request by the commissioner.

(4) The unit of study requirements for technology education and/or home and career skills included in paragraph (2) of this subdivision may be initiated in grade six, provided that in public schools such subjects shall be taught by teachers certified in those areas.

POLICY

- The technology education program in grades 7 and 8 is referred to as "introduction to technology."

- Schools should implement introduction to technology and home and career skills by September 1986. Students completing grade 8 in June 1987 should, therefore, have exposure to both new programs. Students completing grade 8 by June 1988 shall have completed one unit of technology and 3/4 unit of home and career skills.

- The Regulations allow schools to infuse introduction to technology into other curricula without additional study time. The chief administrative officer must document the manner in which the students are receiving instruction in the competencies addressed in the introduction to technology curriculum. The successful completion of the optional State examination in introduction to technology will satisfy Section 100.4(b) (3)(iv) of this Regulation, which ensures that the learning outcomes of introduction to technology have been achieved by students enrolled in nonpublic schools.

- The new course in introduction to technology has been designed so that it can be taught in public schools by persons holding existing certificates as follows:

- Teachers certified to teach industrial arts and agriculture are qualified to teach the full course.

- Teachers of science are qualified to teach pertinent portions of the technology course; however, the whole course may not be taught solely by a teacher of science. The chart on page 21.5 identifies units which may be taught by science teachers.

- For public schools considering the infusion of introduction to technology into other curricula, the course requirements must be expanded by 1 unit of study or equivalent. Optional state examinations in home and career skills will be available.

- For public schools considering the infusion of home and career skills into other curricula, the course requirements must be expanded by 3/4-unit of study or equivalent. Optional State examinations in home and career skills will be available.

- The Regulations allow nonpublic schools to infuse home and career skills into other curricula without additional study time. The chief administrative officer of a nonpublic school must document the manner in which the students are receiving instruction in the competencies addressed in the home and career skills curriculum. The successful completion of the optional State examination in home and career skills can satisfy section 100.4(b)(3)(iv) of this Regulation, which ensures that the learning outcomes of home and career skills have been achieved by students enrolled in nonpublic schools.

- The new course in home and career skills has been designed so that it can be taught by persons holding existing certificates as follows: (This policy is effective until June 30, 1988. Policy to be in effect after that date will be developed after review by the Board of Regents.)

  - Teachers holding certification to teach home economics are qualified to teach the full course.

  - The home and careers course has a number of discrete units. Thus persons certified in business education, agriculture, health, and guidance are qualified to teach pertinent units and take part in a team teaching approach to the course. These teachers, alone or in combination, however, cannot teach the entire course. The full course or part of the course must be taught by a teacher of home economics. Further, to insure a coordinated program, only one subject area in addition to home economics may be represented on the instructional team providing instruction to any class section. A chart on page 21.5 identifies units

which may be taught by business, agriculture, health and guidance personnel in public schools.

- A certified elementary teacher (N-6) may teach health education, introduction to technology or home and career skills for up to five hours per week, as provided for under the incidental teaching clause in Part 80.2(c) of Commissioner's Regulations and with the approval of the Commissioner. The granting of approval for a teacher to teach under the incidental teaching clause will be based on the qualification of the teacher by virtue of having completed at least six credit hours of college study in the appropriate area.

HOME AND CAREER SKILLS

Home Economics teachers may teach all modules. Teachers in the following instructional areas may teach those modules which are checked (X) below:

	Agriculture	Business/ Marketing	Guidance	Health
The Process (Problem Solving/ Decision Making)	X	X	X	X
Personal Development				X
Personal and Family Resource Management				
Career Planning	X	X	X	

TECHNOLOGY

All Industrial Arts and Agriculture teachers may teach all modules in the Introduction to Technology program. In addition, Science teachers may teach those modules checked (X) below:

Modules	Science Teachers Can Teach
- Getting to Know Technology	
- What Resources are Used by Technology	
- How People Use Technology to Solve Problems	X
- Systems and Subsystems	
- How Technology Affects People and Environment	X
- Review	
- Choosing the Right Resources	
- How Resources are Processed by Technological Systems	
- Monitoring, Evaluating and Controlling Technological Systems	
- Using Systems to Solve Problems	
- Impacts, Decisions and Choices: Technological Assessment	X

GUIDELINES

- Students may complete the one unit of introduction to technology in a single academic year, or the study could be spread over two or three years, starting in 6th grade. (A formal field test of this curriculum will be conducted during the 1985-86 school year.) A draft syllabus is available. The official State syllabus will be disseminated during the summer of 1986. Statewide implementation will begin in September 1986. Guidelines for facilities for introduction to technology will be available by September 1, 1986.

- Students may complete the 3/4-unit of study of home and career skills in a single academic year, or the study could be divided into three 1/4-unit sections, taught over two, or three, school years. (A formal field test of this syllabus will be conducted during the 1985-86 school year.) A revised draft syllabus is available. The official State syllabus will be disseminated during the summer of 1986.

- Options For Providing Instruction

  - Nonpublic schools may provide instruction in home and career skills and/or introduction to technology in any of the following manners:

    -- Identify a teacher to be responsible for instruction in each course and provide separate classes, each following the appropriate syllabus.

    -- Divide the content of these courses into several topics which could be placed in several different courses. However, when offering these several different courses, it is important to do so in accordance with the sequential nature of the curriculum. The time allocation for these several courses may or may not need to be increased.

    -- Expand the time allocation of an existing subject and merge the learning outcomes from introduction to technology and/or for home and career skills with that existing course.

- Home and career skills should be developed and taught in close cooperation with a school's guidance program. School counselors may participate in the actual instruction offered in home and career skills. Since public school counselors are certified or licensed to serve at all grade levels, they may function appropriately in grade 6.

GUIDELINES

- Facilities and equipment

  The Education Department will release in the spring of 1986 recommendations for facilities and equipment necessary to provide instruction in introduction to technology and home and career skills. When these materials are completed they will be provided to nonpublic schools, as well as public schools. These recommendations will include minimum and optimum facilities and equipment necessary to provide quality instruction.

- The delivery of instruction for both home and career skills and introduction to technology should be through hands-on activities.

SCIENCE REQUIREMENTS IN GRADES 7 AND 8

C.R. 100.4(b)(2)(iii)

(b) Course requirements in grades seven and eight.

...

(2) Except as otherwise provided herein, students completing grade eight in June 1987 or thereafter shall have completed, by the end of grade eight, the following required instruction or its equivalent:

...

(iii) Science, 2 units of study; ...

POLICY

Students receiving remedial instruction in any subject area may have the two units of study requirement for science reduced, but not eliminated. Such students must pass the Regents Competency Test in Science for a high school diploma, regardless of whether the two units of study were reduced.

GUIDELINES

The local 7th and 8th grade science program should be articulated with the 9th grade program. The Regents Competency Test in Science, administered at the end of grade 9, will cover those content understandings from the life, physical and earth sciences, as well as the inquiry skills normally learned in an articulated 7-9 science program.

HEALTH EDUCATION IN GRADES 7 AND 8

C.R. 100.4(b)(2)(viii) and (7)

(b) Course requirements in grades seven and eight.

...

(2) Except as otherwise provided herein, students completing grade 8 in June 1987 or thereafter shall have completed, by the end of grade eight, the following required instruction or its equivalent:

...

(viii) Health education, one-half unit of study, as required by section 135.3(c) of this Chapter;

...

(7) The one-half unit of study requirement for health education specified in subparagraph (2)(viii) of this subdivision may be provided in grade six, provided that in public schools such subject shall be taught by teachers certified in health education.

GUIDELINES

When the 1/2 unit of study in health education required in grades 7 and 8 is taught in grade 6:

- Provide the planned unit of elementary school health education required to be taught in grade 6 before the 1/2 unit of study required in grades 7 and 8. The 1/2 unit of study for grades 7 and 8, if provided in grade 6, is additional to and not a substitute for the regular elementary school health education progam (Part 135.3(b) of the Commissioner's Regulations.)

- Adjust the course content for the 1/2 unit of study grades 7-8) provided in grade 6 to meet the developmental needs and abilities of these younger students.

- Coordinate the content of the 1/2 unit of study provided in Grade 6 with the 1/2 unit course required at the high school level and with the K-6 classroom health education program to ensure that all requirements are met.

To maintain or achieve excellence in the school's program, the health education program of 1/2 unit of study required in grades 7 and 8 may be approved by the Education Department to be taught in grade 9. However, the 1/2 unit of health education required in grades 9-12 must then be taught some time in grades 9-12. In sum, if this variance is approved, students are required to have a total of 1 unit of health education in grades

9-12. See pp. 15.1-15.7 for information on applying for a variance to the section of the Regulations cited above.

ART AND MUSIC INSTRUCTION IN GRADES 7 AND 8

CR 100.4(b)(2)(ix) and (x) and (6)

(b) Course requirements in grades seven and eight

...

(2) Except as otherwise provided herein, students completing grade 8 in June 1987 or thereafter shall have completed, by the end of grade eight, the following required instruction or its equivalent:

...

(ix) Art, one-half unit of study;

(x) Music, one-half unit of study, and

(6) A student may meet the required one-half unit of study in music specified in subparagraph (2)(x) of this subdivision by participation in a school's band, chorus or orchestra, provided that such participation is consistent with the goals and objectives of the school's music program for grades seven and eight.

GUIDELINES

- To continue the essential developmental program in art and music it is recommended that art and music be taught to all students in both grades 7 and 8;
- The important aspects of the history of music, the contributions of various cultural heritages to the field of music and the understanding of aesthetic judgments and being able to apply them to works of music should be infused into the band, chorus and orchestra programs.

INSTRUCTION IN LIBRARY AND INFORMATION SKILLS
IN GRADES 7 AND 8

C.R. 100.4(b)(2)(xi) and (3)(i), (iii) and (iv)

(b) Course requirements in grades seven and eight.

...

(2) Except as otherwise provided herein, students completing grade eight in June 1987 or thereafter shall have completed, by the end of grade eight, the following required instruction or its equivalent:

...

(xi) For students completing grade eight in June 1988 or thereafter, library and information skills, the equivalent of one period per week in grades seven and eight.

(3) The requirements for . . . library and information skills may be met by the integration of the learning outcomes of such subjects into other courses in accordance with the following criteria:

(i) In public schools, the unit of study requirements specified in subparagraphs (2)(v),(vi) and/or (xi) of this subdivision are met;

. . .

(iii) In public schools, library and information skills shall be taught by library media specialists and classroom teachers to ensure coordination and integration of library instruction with classroom instruction;

(iv) In nonpublic schools, the unit of study requirements specified in subparagraphs (2)(v), (vi) and/or (xi) of this subdivision may be met, or their equivalents may be met, by the incorporation of the learning outcomes of such subjects into the syllabi for other courses and/or by appropriate results on examinations which demonstrate student mastery of the learning outcomes of such subjects. The chief administrative officer of a nonpublic school shall document the manner in which such nonpublic school has implemented the provisions of this subparagraph. Such documentation shall be in writing and available for review upon request by the commissioner.

POLICY

To provide assurance of compliance with the requirement, schools should develop a plan which outlines the library and information skills learning outcomes to be met by students, and the procedures to ensure coordination and integration of library and classroom instruction and other aspects as specified in CR 100.4

GUIDELINES

- Planning for Implementation. The plan for implementation should include (1) identification of the desired learning outcomes and the means for achievement, (2) strategies for overall ongoing coordination and integration, and (3) procedures for periodic review of the plan and achievement of the requirement. It is recommended that a building or district committee representative of library media specialists, classroom teachers and administrators cooperatively develop the plan related to the above components. Provision of staff development regarding the intent and implementation of the requirement may be necessary.

- Identification of Learning Outcomes. The identification of learning outcomes can be assisted through several sources. A framework or scope and sequence of skills should be developed. The "Elementary Library Media Skills Curriculum", available from the Bureau of School Library Media Programs, provides a suggested academic framework with reading levels on which to build. Four general categories with subdivisions of skills are used: (1) skills of location and use; (2) skills of inquiry and investigation; (3) literary understanding and appreciation; (4) reading guidance. Skills are stated in the form of learner outcomes. The Education Department plans to develop the scope and sequence for grades 7-12, generally based on the broad K-6 categories, for distribution in 1986. Local textbooks, curricula, State syllabi, and professional literature are other sources that should be examined for needed skills and possible learning activities. Identification of information skills in every subject area and the recognition that the same skills may have a different purpose and technique for use in different subjects are necessary. By the end of grade eight, students should have achieved foundational learnings for competent use of information and libraries in high school and beyond.

- Means of Achievement. The means for achieving learning can take many forms, such as, direct teaching with follow-up activity, student projects or research, preparation of a videotape, an oral or written report, independent investigation or reading, field trip to another library. The scope of library and information skills and possible activities of use are broad. Once the learning outcomes are identified, a multitude of suggested options for library and

information skills activities in every subject and program area and with all levels of students can be identified. Many learning outcomes and activities appropriate to the requirement are already occurring in libraries and classrooms without the overall planning and coordination necessary for this requirement.

The library media specialist and classroom teacher both have teaching responsibilities related to the requirement. The coordinated planning should identify the respective roles of the library media specialist and classroom teacher and the possible location of the activity. In some cases, the teacher may initiate an activity in the library or classroom, followed by class, small group or individual visit to the library where the library media specialist will provide further instruction on specialized resources for the purpose or may only assist the students as they work. In other instances, the reverse procedure may occur. The library media specialist also may conduct an activity in the classroom, such as a book talk to encourage reading or to introduce research sources or a discussion on censorship or another topic, prior to student use of the library. Determination of a schedule or procedure for meeting the unit of study equivalency has options. When a student or class has a library and information skills activity several times in one week related to one or more purposes, the study equivalency for several weeks is met. Fixed, scheduled programs in the library or classroom are not intended, nor likely to be, conducive to effective instruction.

- Ongoing Coordination. A technique for determining when the library activities are best coordinated and integrated with the classroom is needed. One possible approach would be for the library media specialist and all teachers, or perhaps representatives, to meet approximately every 10 weeks and plan the activities, schedule, etc. in relation to upcoming units. The overlap and reinforcement of skills among various subjects could be noted, and an agreed upon schedule for library, classroom or other activity could be reached. Specific, coordinated planning for the activity would occur prior to the scheduled time. A procedure whereby the English or social studies classes and teachers are the sole vehicle for meeting the requirement is not recommended. Consider the size of the library facility and staff when planning. The library and its staff should serve the entire school population, not just those members involved in the grade 7-8 requirement. The library program should remain flexible to provide a range of services.

- Periodic Review. Consistent with any planning, develop a procedure for: periodic review of appropriateness of the defined learning outcomes; addition or deletion of suggested activities and their location; examination of

whether each student has sufficient learning options and contact time at his or her level; and adequacy of the ongoing teacher-library media specialist planning coordination time. New course requirements, textbooks, and local curricula will influence review and future planning.

For Further Assistance Contact:

Bureau of School Library Media Programs
State Education Department
Albany, New York 12234
(518) 474-2468

COURSE REQUIREMENTS IN GRADES 7 AND 8 - INITIATION OF INTRODUCTION TO TECHNOLOGY, HOME AND CAREER SKILLS, AND HEALTH EDUCATION IN GRADE 6

C.R. 100.4(b)(4) and (7)

(4) The unit of study requirements for technology education and/or home and career skills included in paragraph (2) of this subdivision may be initiated in grade six, provided that in public schools such subjects shall be taught by teachers certified in those areas.

(7) The one-half unit of study requirement for health education specified in subparagraph (2) (viii) of this subdivision may be provided in grade six, provided that in public schools such subject shall be taught by teachers certified in health education.

POLICY

In public schools:

- A certified elementary teacher (N-6) may teach health education, introduction to technology or home and career skills for up to five hours per week, as provided for under the incidental teaching clause in Part 80.2(c) of Commissioner's Regulations and with the approval of the Commissioner. The granting of approval for a teacher to teach under the incidental teaching clause will be based on qualification of the teacher by virtue of having completed at least six credit hours of college study in the appropriate area.

- Middle schools with grade 6-8 or 5-8 configurations that have received the State Education Department's approval as an experimental school may continue to assign their teachers to any grade level in the school regardless of certification, as approved by the Division of Teacher Certification or having appropriate experience.

- Introduction to technology, home and career skills, and health education may be spread over a three-year period in grades 6-8; providing that the unit of study requirement is met.

In public and nonpublic schools:

- Health education in a junior high school may not be taught in grade 9 unless a variance is approved by the Education Department in accordance with Part 100.2(n) of these regulations.

COURSE REQUIREMENTS IN GRADES 7 AND 8 --
REDUCTION OF UNIT OF STUDY REQUIREMENTS
TO PROVIDE REMEDIATION

CR 100.4(b)(5)

(5) Students who score below the designated State reference point on any Regents preliminary competency test, specified in paragraph (d)(1) of this section, or on any fifth or sixth grade pupil evaluation program test specified in section 100.3(b)(2)(ii) or (iii) of this Part, may have the unit of study requirements for one or more of their subjects reduced, provided that:

(i) remedial instruction shall be coordinated with and supplement regular classroom instruction;

(ii) requirements for subjects set forth in paragraph (2) of this subdivision and for second language instruction set forth in section 100.2(d) of this Part may be reduced but not eliminated. A principal shall consider a student's abilities, skills and interests in determining the subjects for which the unit of study requirements may be reduced;

(iii) a student's parent or guardian shall be notified in writing, by the principal, of a school's intention to implement the provisions of this paragraph; and

(iv) the exemption shall remain in effect only to the extent that the provisions of subparagraph (i) of this paragraph are being met.

POLICY

- A school may not reduce a student's unit of study in English if the required remediation is to be provided in either reading or writing. Remedial instruction in either reading or writing may be provided in addition to the required units of study in English or it may be provided within the required units of study. If the required remediation is provided within the English course, then special assistance in the form of individualized attention and instructional materials must be provided.

- A school may not reduce a student's unit of study in mathematics for the purpose of providing the required remediation in mathematics. The remediation in mathematics must also be provided in addition to the required units of study in mathematics or within the required units of study provided that special assist-

ance in the form of individualized attention and instructional material is provided to the student.

- In the cases of remediation in both language arts (reading and writing) and mathematics, the required units of study for the respective areas may not be reduced if a student is to receive State-mandated remediation in those subjects.

- Students of limited English proficiency may be provided remediation through their native language, as appropriate.

C.R. 100.4(c)

(c) Grade eight acceleration.

(1) No later than September 1986, public school students in grade eight shall have the opportunity to take high school courses in at least five of the following areas: English, social studies, second languages, art, music, occupational education subjects, Regents mathematics courses, Regents science courses. Such opportunity shall be provided subject to the following conditions:

(i) The superintendent, or his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she is to begin high school courses in the eighth grade leading either to a local or Regents diploma.

(ii) A student shall be awarded high school credit for such courses only if such student passes one of the following:

(a) For credit towards a Regents diploma, a Regents examination, or an occupational education proficiency examination, or, if no such examinations are available, a locally developed examination which establishes student performance at a high school level as determined by the principal; or

(b) For credit towards a local diploma, a locally developed examination which establishes student performance at a high school level as determined by the principal or, for an occupational education subject, the appropriate occupational education proficiency examination, when available.

(2) Courses taken pursuant to this subdivision may be substituted for the appropriate requirements set forth in subdivision (b) of this section.

POLICY

- If a school district offers two or more second languages in grades 9-12, the district may choose the number of second languages in which grade 8 acceleration will be provided.

- A school may limit the number of high school courses in which a student may accelerate depending on the student's overall readiness.

- If a student accelerates in occupational education, the course cannot be substituted for introduction to technology or home and career skills. Such acceleration must be in introduction to occupations.

- If a student accelerates in social studies, the student must enroll in the ninth grade course in global studies.

- Eighth grade students who accelerate in science must accelerate by taking a Regents science course. The accelerated science course may be used for one of the two units of study in science in grades 7 and 8, as well as for one unit of credit towards the Regents or local diploma, if the student passes the Regents examinations and the course.

- Eighth grade students who accelerate in mathematics must accelerate by taking a Regents mathematics course. The accelerated mathematics course may be used for one of the two units of study in mathematics in grades 7 and 8, as well as for one unit of credit towards the Regents or local diploma, if the student passes the Regents or local examination and the course.

- The art and music chairpersons and teachers should be an integral part of the identification process which provides outstanding students the opportunity to take the first high school level art or music course during grade 8. Criteria and identification procedures must be established to determine readiness. This provision must in no way be determined as a device to move an entire high school level course "down" to the eighth grade to meet the art and/or music graduation requirement.

- A school does not meet its obligation to provide grade 8 acceleration if it offers students the opportunity to take a high school course during the summer between the eighth and ninth grades. The school must offer students an opportunity to accelerate during the school year and during the regular school week and the regular school day.

- Although it is not required, nonpublic schools may elect to offer grade 8 acceleration in accordance with these Regulations and the policy.

Guidelines

Acceleration in social studies may be enhanced by combining the regular 7th and 8th grade social studies course to allow students to take the 9th grade course. Another option is to allow 7th graders to take the regular 7th grade course while taking the 8th grade course on a tutorial basis.

C.R. 100.5

Diploma Requirements

DIPLOMA REQUIREMENTS FOR STUDENTS WHO REPEAT
ONE OR MORE GRADES

C.R. 100.5(a)

General requirements for a Regents or a local high school diploma.

POLICY

- Graduation requirements are keyed to the year in which a student enters grade nine. Thus, a student who first enters grade nine in 1982 will be required to meet the graduation requirements in effect for that class. Also, a first-time ninth grader in 1982 who takes five years to graduate must meet the same requirements as his or her ninth grade classmates who graduated in four years. This distinction is necessary since the graduation requirements change for students entering grade 9 in 1984, 1985, 1986, 1987, and 1988.

ART AND MUSIC REQUIREMENT IN GRADES 9 THROUGH 12
FOR STUDENTS WHO FIRST ENTER GRADE 9 IN 1985 AND THEREAFTER

C.R. 100.5(a)(2)(v)

(a) General requirements for a Regents or a local high school diploma.

...

(2) Students first entering grade nine in 1985 and thereafter shall have earned at least 18 1/2 units of credit or their equivalent, as determined by the commissioner, in order to receive either a Regents or local high school diploma. Such units of credit shall include:

...

(v) art and/or music, one unit of credit; and

POLICY

- The State Education Department publication, Studio In Art, may be used to meet the one unit of credit requirement in art, with emphasis placed upon the knowledge areas, but also including the participatory areas of the curriculum.

- The new State Education Department publication, Music In Our Lives, may be used to meet the one unit of credit requirement in music.

  (Courses for Regents credit 1/2 unit of credit in art and 1/2 unit of credit in music are acceptable if portions of Music in Our Lives and Studio in Art are used.)

- Other options to meet this requirement include locally developed courses of 1/2 unit of credit in art and 1/2 unit of credit in music, participation in major performing organizations, such as chorus, band, orchestra, dance, or theatre or an interdisciplinary course of one-unit of credit. Such courses must meet the one unit of credit requirement or equivalent. If the credit is to be used toward a Regents diploma, locally developed courses must be submitted for approval to the Bureau of Curriculum Development, Room 314F, State Education Department, Albany, New York 12234.

- A locally developed music education course designed to meet the art and/or music local diploma requirement should provide for outcomes to meet the intention of the Regents Action Plan and the publication, Music In Our Lives.

- Students must have access to both music and art courses.

  The student will be expected to demonstrate:

  - a level of knowledge and appreciation for the various forms, styles and periods in music.

  - orally and in writing that he/she understands the diversity of the cultural heritages which have contributed to the various forms and styles of music.

  - through selective participatory activities that he/she has an understanding of esthetic judgment and appreciation.

  - an understanding of music as a means of self-expression and personal satisfaction.

  - the ability to participate in a musical activity both individually and as a member of a group.

  - a level of knowledge and proficiency in the area of electronic and/or computer technology as applicable in music. (As available within the given school district.)

- A locally developed art education course designed to meet the art and/or music local diploma requirement should provide for the following outcomes to meet the intention of the Regents Action Plan and Commissioner's Regulations. Any course listed on the visual arts flow chart on the next page is acceptable for local credit if the criteria listed below are incorporated within the course.

The student will be expected to demonstrate:

- knowledge and creativity essential to producing works of visual arts in several media;

- the mastery of skills and techniques essential to creating art products (drawing, painting, two and three dimensional design, crafts, etc.);

- verbally and in writing understanding of the diversity of the cultural heritages which have contributed to the visual arts;

- verbally and in writing knowledge of the history of visual arts;

- an understanding of esthetic judgments and be able to apply them to works of art.

VISUAL ARTS EDUCATION

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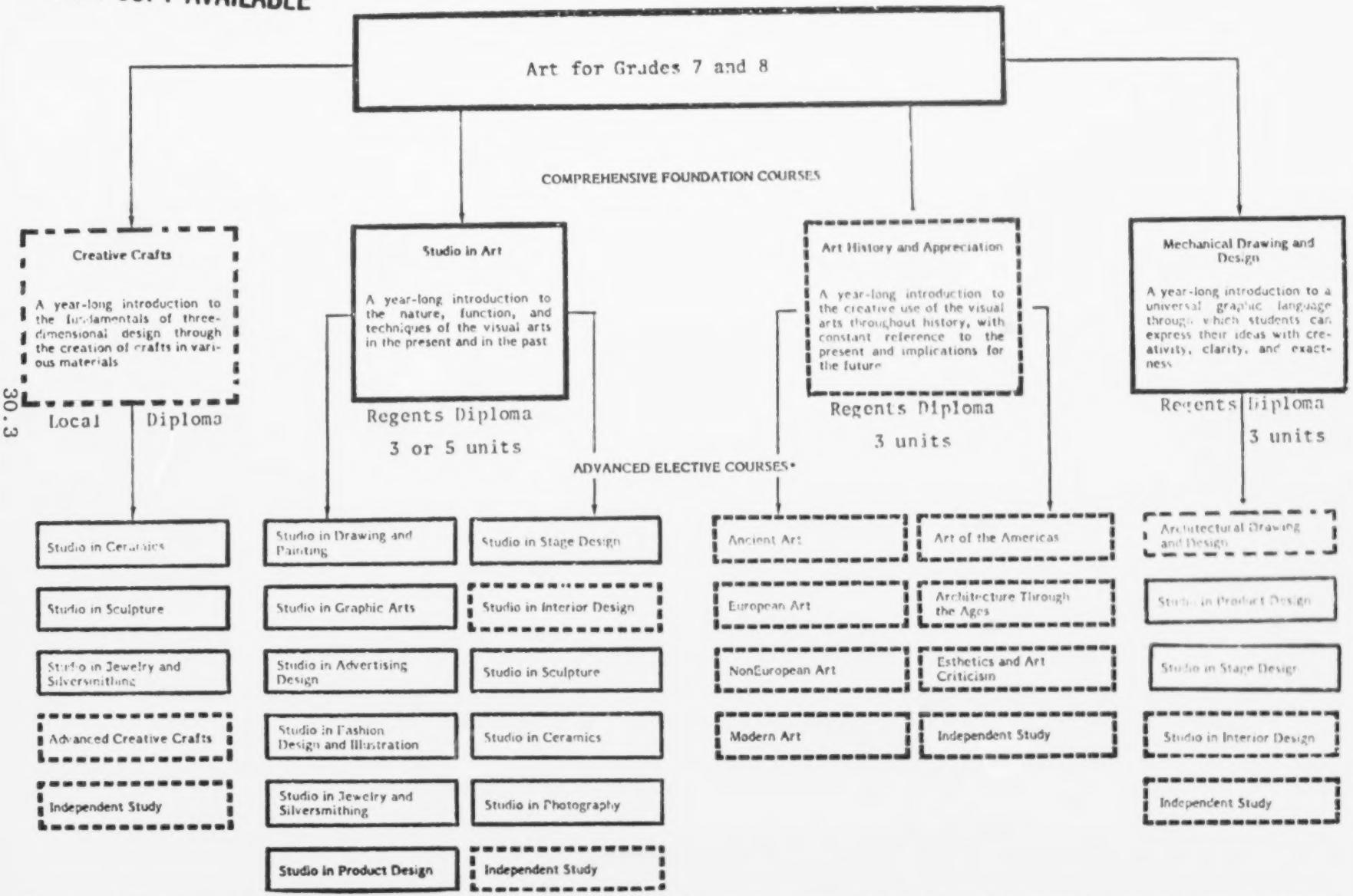

Art for Grades 7 and 8
COMPREHENSIVE FOUNDATION COURSES
Creative Crafts
A year-long introduction to the fundamentals of three-dimensional design through the creation of crafts in various materials
Local Diploma
Studio in Art
A year-long introduction to the nature, function, and techniques of the visual arts in the present and in the past
Regents Diploma
3 or 5 units
Art History and Appreciation
A year-long introduction to the creative use of the visual arts throughout history, with constant reference to the present and implications for the future
Regents Diploma
3 units
Mechanical Drawing and Design
A year-long introduction to a universal graphic language through which students can express their ideas with creativity, clarity, and exactness
Regents Diploma
3 units
ADVANCED ELECTIVE COURSES*
Studio in Ceramics
Studio in Sculpture
Studio in Jewelry and Silversmithing
Advanced Creative Crafts
Independent Study
Studio in Drawing and Painting
Studio in Graphic Arts
Studio in Advertising Design
Studio in Fashion Design and Illustration
Studio in Jewelry and Silversmithing
Studio in Product Design
Studio in Stage Design
Studio in Interior Design
Studio in Sculpture
Studio in Ceramics
Studio in Photography
Independent Study
Ancient Art
European Art
NonEuropean Art
Modern Art
Art of the Americas
Architecture Through the Ages
Esthetics and Art Criticism
Independent Study
Architectural Drawing and Design
Studio in Product Design
Studio in Stage Design
Studio in Interior Design
Independent Study

30.3

*Titles enclosed in broken lines are suggestions for locally developed advanced elective courses. To be used toward a Regents Diploma, they must be approved.

MUSIC IN THE MIDDLE/JUNIOR HIGH SCHOOL

7th and 8th Grades

① SKILL DEVELOPMENT

INSTRUMENTAL 1,2,3 or 4 Units

BASIC INSTRUCTION
Individual
Small Group (Classes)
Large Group (Sectionals)

BANDS
Symphonic
Concert
Marching
Wind Ensemble
Stage Band

ORCHESTRAS
Symphonic
Concert
Chamber
String

Solo and Ensemble INSTRUCTION
Woodwinds
Brasses
Percussion
Strings

VOCAL 1,2,3 or 4 Units

BASIC INSTRUCTION
Individual
Voice Class
Large Group (Sectionals)

CHORUSES
Symphonic
Concert
Select
Boys
Girls
A Capella
Madrigal
Swing

Solo and Ensemble INSTRUCTION
Solos
Duets
Trios
Quartets, etc.

KEYBOARD 1,2,3 or 4 Units

ACCOMPANIMENT

INDIVIDUAL INSTRUCTION
Piano
Organ

PIANO CLASSES
Conventional
Electronic

② MUSICAL KNOWLEDGE

SPECIALIZATION
1, 2, 3 or 4 Units
Theory I, II or III
Harmony
Counterpoint
Music Literature
History of Music
Composition
Conducting

COMPREHENSIVE FOUNDATIONS OF MUSIC (1 Unit)

GENERAL MUSIC - 3 (1 Unit)

9th through 12th Grades

③ ATTITUDE DEVELOPMENT (General Education)

EXPLORATORY COURSES
Guitar Class
Folk Singing
History of Jazz
Contemporary Music
Hi-Fi Equipment and Record Collecting

GENERAL MUSIC - 3 (½ or 1 Unit)

May be offered as ½ Unit Credit Courses
(Basis of 4-5 recitations per week, with equivalent outside preparation, for 20 weeks; or 2-3 recitations per week, with equivalent outside preparation, for 40 weeks)

(or)

as Full Unit Credit Courses
(Basis of 4-5 recitations per week, with equivalent outside preparation, for 40 weeks)

(or)

In any combination or sequence adaptable to local situation - course to be called "Explorations in Music"
(credit to be granted on same basis as above)

MUSIC MAJOR (Suggested Combination)
- 2 Units of Skill Development (1)
- 1 Unit of Musical Knowledge (2)
- 3 Unit Major Sequence in Music

FINE ARTS MAJOR
- 1 Unit of Musical Knowledge (2) or Attitude Development (3)
- 1 Unit of Humanities or Performing Arts
- 1 Unit of Studio in Art or Art History
- 3 Unit Fine Arts Major Sequence

MUSIC IN OUR LIVES
1 unit of credit
1/2 unit of credit - to meet 1/2 unit of study time requirement with appropriate reduction of content

30.4

PHYSICAL EDUCATION REQUIREMENT
IN GRADE 9 THROUGH 12 FOR STUDENTS
WHO FIRST ENTER GRADE 9 IN 1985 AND THEREAFTER

C.R. 100.5(a)(3)

(a) General requirements for a Regents or a local high school diploma.

...

(3) All students shall have earned the equivalent of 2 units of credit in physical education in accordance with the requirements set forth in section 135.4(c)(2)(ii) of this Title. Such units of credit shall not count towards the required units of credit set forth in paragraphs (1) and (2) of this subdivision. A student who has completed the diploma requirements as set forth in paragraphs (1) and (2) of this subdivision in fewer than 8 semesters, shall not be required to continue enrollment in high school for the sole purpose of completing the physical education requirement as set forth in this paragraph, if the school, upon request of the student's parent or guardian, wishes to grant such student a high school diploma prior to his or her eighth semester.

Policy

- The equivalent of two units of credit for physical education can be awarded as 1/4 unit per semester. In order to receive a diploma after completing fewer than 8 semesters, students must have met the requirements for each semester of physical education credit up to graduation.

- The equivalent of a unit of credit in physical education requires mastery of the learning outcomes within the limits of each student's capability as set forth in a State or local syllabus. The time requirement for the equivalent of a unit of credit in physical education is met by a student's physical education schedule of two periods per week in one semester and three periods per week in the other semester each year.

REMEDIATION IN REGARD TO THE 10TH AND 11TH GRADE
REGENTS COMPETENCY TESTS IN SOCIAL STUDIES

C.R. 100.5(a)(4)(iii)

(iii) **Remedial instruction. All students who fail the Regents competency tests in . . . American history and government . . . or global studies shall be provided appropriate remedial instruction designed to enable them to pass such tests by the time they are otherwise qualified to graduate. A student who shall be provided remedial instruction, and the parent or guardian of such student, shall be notified in writing, by the principal, of the test results and the plan for remedial instruction. Such remedial instruction shall begin no later than the commencement of the school semester immediately following the semester in which the test was administered.**

POLICY

Schools are required to provide remediation which does not carry any unit of credit and will need to arrange student schedules and programs to accommodate the mandate. The Education Department recognizes that the type of remediation provided for the 10th and 11th grade social studies may be significantly different in approach from the manner in which remediation is provided in the basic skills.

GUIDELINES

Students in grades 10 and 11 who fail a Regents Competency Test are to be provided with remedial instruction in order to correct their deficiencies. It is recommended that remediation is provided through an instructional program by a certified social studies teacher. The remedial instruction should include the appropriate understandings, skills and concepts in the State syllabus.

It is recommended that faculty make a diagnostic inventory for each student found deficient. Based on the diagnostic inventory, remediation may be provided through a variety of delivery systems, for example, itinerant teacher, peer-tutoring, resource room, regular classroom and individualized instructional program.

REGENTS COMPETENCY TEST IN SCIENCE FOR STUDENTS WHO FIRST ENTER GRADE 9 IN 1987 AND THEREAFTER

C.R. 100.5(a)(4)(i)(d)

(4) Regents competency testing program.

(i) Except as otherwise provided in subparagraph (ii) of this paragraph, all students shall demonstrate competency in the basic skills:. . .

(d) for students first entering grade nine in 1987 and thereafter, and taking four years or more to complete the diploma requirements, by passing either the Regents Competency Test in science or a Regents examination in science; ...

POLICY

- The Regents Competency Test (RCT) in Science will first be administered in June 1988 to students in the class of 1991 and thereafter. The examination will be provided three times per year.

- The RCT in Science will be based upon the content understandings and inquiry skills normally learned in science 7, 8, and 9. It is essential that the local grades 7-9 science program be articulated and cover those core understandings from the life, physical, and earth sciences and inquiry skills that are specified in the RCT information bulletin (guide).

- Passing the RCT or a Regents science examination is a prerequisite for taking a second year of science, unless the second year of science is a State course of study or a local course approved by the State Education Department. (See p. 36.2 for further explanation.)

- The RCT will be a survey test of the life, physical and earth science understandings and inquiry skills normally acquired in middle/junior high school programs. The test will reflect core material from the State's middle/junior high school science syllabi. Regardless of which sequence of science subjects the local program provides in the middle/junior high school years, the student should have acquired the core material from these disciplines by the completion of the 9th grade. The RCT in science would not be taken earlier than the end of the 9th grade.

GUIDELINES

- The required remediation for students who fail the RCT could range from providing intermittent remedial instruc-

tional services to providing a formal semester course in science 7-9 without credit.

DIPLOMA REQUIREMENT EXEMPTIONS FOR TRANSFER STUDENTS
(GRADES 9-12)

C.R. 100.5(a)(5)(i)(ii) and (iii)

(5) Transfer students.

(i) The principal shall evaluate the transcripts of all students entering a New York State high school, for the first time, after the beginning of grade 9. Based on a student's past academic record as indicated in the student's transcript, the principal shall award such student the appropriate units of credit towards a local high school diploma.

(ii) Each such transfer student shall meet the requirements of the Regents competency testing program as set forth in paragraph (4) of this subdivision, provided that the principal shall review the transcript of each student first entering a New York State high school in grade 11 or 12 to determine the need for the student to meet the Regents competency test requirements. The principal may exempt such student from these requirements for those tests ordinarily taken and passed before the date of the student's entry.

(iii) A student transferring between high schools in grade 11 or 12 may be exempt from the second language requirements for a Regents diploma, as set forth in paragraph (3) and clause (5) (ii)(b) of subdivision (b) of this section, if the language in which the student began a second language sequence in grade 9 or 10 is not offered in the school to which the student has transferred. In such cases, the student shall complete 3 units of credit in second languages but not necessarily in a single language.

POLICY

- Students entering during the fall semester of grade 11 may be exempt from the competency testing requirements in mathematics, science, and global studies.
- Students entering during the spring semester of grade 11 may be exempt from the competency testing requirements in reading, writing, mathematics, science, and global studies.
- Students entering in grade 12 may be exempt from all competency testing requirements.

REQUIREMENT OF FOUR UNITS OF CREDIT IN SOCIAL STUDIES
FOR STUDENTS WHO FIRST ENTER GRADE 9 IN 1985
AND THEREAFTER

C.R. 100.5(a)(6)

(6) All students first entering grade nine in 1985 and thereafter, and taking four or more years to complete the diploma requirements, shall earn four units of credit in social studies in accordance with the following:

(i) Such requirement shall include one unit of credit in American history.

(ii) Such requirement shall include one-half unit of credit in participation in government and one-half unit of credit in economics.

(iii) A student shall be exempted from the provisions of subparagraph (ii) of this paragraph to the extent that such student demonstrates, through department-approved examinations or such other means as may be required by the commissioner, an acceptable level of knowledge of participation in government and/or economics, in which case the required fourth unit of credit in social studies shall be met through appropriate electives.

POLICY

For the required 1/2 unit of credit in economics, and the required 1/2 unit of credit in participation in government, the public school district administrator or nonpublic school head or his or her designee must certify that to be exempt from either the economics or participation in government requirement:

Economics

- The student has mastered the goals of the State's syllabus in economics. This mastery can be demonstrated by passing a State-approved local examination based upon the State's syllabus in economics or by passing a State-approved published examination in economics. However, if the student is to receive a unit of credit, he or she must complete the requirements as specified in CR 100.5(d)(1)

OR

- As indicated in the Regulations, "other means as may be required by the Commissioner," is interpreted as a significant program of activity through which the student achieves the objectives of the State's syllabus in economics.

Participation in Government

- The student has mastered the goals of the State's syllabus in participation in government. This mastery can be demonstrated by earning a passing score on a State-approved local examination based upon the State's syllabus in participation in government or by passing a State-approved published examination which tests the goals of the State course in participation in government. However, if the student is to receive a unit of credit, he or she must complete the requirements as specified in CR 100.5(d)(1)

OR

- As indicated in the Regulations, "other means as may be required by the Commissioner," is interpreted as a significant program of activity through which the student achieves the objectives of the State's syllabus in participation in government.

GUIDELINES

The implementation of this exemption will necessitate planning by administrators, guidance counselors and social studies departments so that individual students are aware of the option, if available, in time to plan their overall high school programs. This exemption from either economics or participation in government does not exempt the student from the required four units of social studies. Therefore, school districts which have students who are exempt from the mandated course requirements will need to provide alternative courses in social studies so that students may meet the four-unit requirement.

REQUIREMENT OF TWO UNITS OF CREDIT EACH IN SCIENCE AND MATHEMATICS
FOR STUDENTS WHO FIRST ENTER GRADE 9 IN 1984 AND THEREAFTER

C.R. 100.5(a)(7) and (8)

(7) All students first entering grade nine in 1984 and thereafter, and taking four or more years to complete the diploma requirements, shall earn two units of credit in mathematics in accordance with the following criteria:

(i) The second unit of credit in mathematics shall deepen the understanding or broaden the application of a student's mathematical concepts beyond the general high school mathematics program and in accordance with criteria established by the commissioner.

(ii) The second unit of credit in mathematics shall be taken after a student passes the Regents competency test in mathematics, or a Regents examination in mathematics or business mathematics. Students failing to pass such a test or examination may take a second unit of credit in mathematics, provided that the syllabus for such unit of credit is a State or local syllabus approved by the commissioner. All such syllabi shall meet the criteria for a second unit of credit as set forth in subparagraph (i) of this paragraph. In addition, such second unit of credit in mathematics shall be awarded when the student successfully completes the course work for such unit of credit, and passes the Regents competency test in mathematics or a Regents examination in mathematics or business mathematics.

(8) All students first entering grade nine in 1984 and thereafter and taking four or more years to complete the diploma requirements, shall earn two units of credit in science in accordance with the following criteria:

(i) The second unit of credit in science shall deepen the understanding or broaden a student's application of life, physical and/or earth sciences beyond the level in the State science syllabi for grades seven, eight and nine in accordance with criteria established by the commissioner.

(ii) For students first entering grade nine in 1987 and thereafter, and taking four or more years to complete the diploma requirements, the second unit of credit in science shall be taken after a student passes either the Regents competency test in science or a Regents examination in science. Students failing to pass such a test or examination may take the second unit of credit in science, provided that the syllabus for such unit of credit is a State or local syllabus

approved by the commissioner. All such syllabi shall meet the criteria for a second unit of credit as set forth in subparagraph (i) of this paragraph. In addition, such second unit of credit in science shall be awarded when the student successfully completes the course work for such unit of credit, and passes the Regents competency test in science or a Regents examination in science.

POLICY

- The required second unit of science may be met by students in different ways, depending on which type of diploma the student wishes to acquire and his or her career aspirations. The chart on the following page describes course options available to students pursuing a local diploma or a Regents diploma. In addition, the chart also indicates how students in the class of 1991 and thereafter will be able to meet the science competency requirement.

  A board of education is authorized to approve a local natural science course which may meet either the science constant (core) and/or the science sequence requirements for the local diploma.

- If the second-year science course is to be taken by students who have not yet passed the Regents Competency Test (RCT) in science or a Regents science examination, it must be a course following a State syllabus or be a local course approved by the Education Department. Forward descriptions of such local courses to the Bureau of Curriculum Development for approval.

  A student's two-unit core requirement or three-unit sequence courses must not include more than one unit of credit from substantially the same field of science. For example, (1) Regents biology and Advanced Placement biology or (2) local chemistry and Regents chemistry are not acceptable. This requirement insures that a student will be exposed to several different disciplines of science.

  Students taking an approved sequence in occupational education may elect to take an Education Department-approved occupationally-related science course to meet the second unit of science requirement. Occupationally related mathematics courses can be used as a unit within a three-unit mathematics sequence for a local diploma. Occupationally related science may also be used as a unit in a three-unit science sequence for a local diploma. See the chart on page 36.3.

SCIENCE -- TWO-YEAR REQUIREMENT

(Typical course selections for students meeting the two-year science diploma requirement for those first entering grade 9 in 1985 and thereafter. Competency requirements, RCT or Regents examination, will be required of those first entering grade 9 in 1987 and thereafter.)

First Year	Competency Requirement	Second Year*

LOCAL DIPLOMA

First Year	Competency Requirement	Second Year*
Science 9	RCT	Regents Earth Science Regents Biology Regents Chemistry Regents Physics General Biology General Chemistry General Physics Local Earth Science Local Biology Local Chemistry Local Physics Unified Science Environmental Science Applied/Consumer Science Occupationally-Related Sciences**
Regents Earth Science Regents Biology Regents Chemistry Regents Physics	Regents Examinations	

REGENTS DIPLOMA

First Year	Competency Requirement	Second Year*
Regents Earth Science Regents Biology Regents Chemistry Regents Physics	Regents Examinations	Regents Earth Science Regents Biology Regents Chemistry Regents Physics Occupationally-Related Sciences ***

* The second year of study must not substantially duplicate the same field of science covered in the first year (i.e., Regents biology and local biology; Regents chemistry and general chemistry).

** Occupationally-related science courses are being developed by the Occupational Education Unit. These courses will be directly related to the students' occupational field and may be either separate courses and/or integrated into the occupational subjects. One unit of occupationally--related science may be used towards a three-unit sequence in science for a local diploma only.

*** Occupationally-related science courses developed at the local level which are of equal academic difficulty as Regents science courses may be submitted to SED for Regents credit approval. These courses may not be used as part of the Regents science sequence.

SCIENCE COURSE DESCRIPTIONS

The courses described below satisfy the science requirements (including the two-year requirement) for a Regents diploma or a local diploma, as indicated.

Science 9

This program is developed locally for students who are pursuing a local diploma. Science 9 is the final year in a three-year articulated program of study in the life, physical and earth sciences. This three-year program should provide the basic material for the Regents Competency Test (RCT) in science by covering the understandings outlined in the State syllabi in middle and junior high school science. Because Science 9 augments the students' experiences in Science 7 and Science 8, Science 9 may be either a general science approach or a full year of study in either life, earth, or physical science.

Regents-level Sciences

Regents-level sciences, based on State syllabi, are designed for students pursuing a Regents diploma, either with or without a Regents sequence in science. Thirty periods of laboratory work with successfully written reports are required for all Regents sciences. Students taking a Regents science course must pass a Regents examination to receive Regents credit for that course.

Regents earth science is recommended for students in 8th grade accelerated science, for above average 9th grade students, and for high school students who have not mastered the theoretical and mathematical content required in physics. The five areas of investigation in Regents Earth science are the processes of change, the Earth model, the Earth's energy budget, the rock cycle, and the history of the Earth.

Regents biology provides students with a basic understanding of biological processes and generalizations. Topics include unity and diversity in living things, maintenance in living things, human physiology, reproduction and development, genetics, evolution, and ecology.

Regents chemistry provides students with a modern view of the fundamental concepts of chemistry. This course includes the following topics: matter and energy, atomic structure, bonding, the periodic table, the mathematics of chemistry, kinetics and equilibrium, acids and bases, redox and electrochemistry, organic chemistry, applications of chemical principles, and nuclear chemistry.

Regents physics provides students with a modern view of the fundamental concepts of physics. The four areas covered are mechanics, waves, electricity, and atomic and nuclear physics.

General-level Sciences

- The general-level sciences, based on State syllabi are intended as an alternative to the Regents sciences for non-science majors pursuing a local diploma. State-developed achievement examinations are available in these sciences. Although each of these courses should emphasize laboratory experiences as a means of reinforcing concepts and understandings, there is no minimum laboratory requirement.

- General biology is recommended for the average student who could benefit from an introductory biology course. Students study similarities and variety among living things, human biology, the continuation of life through reproduction and genetics, evolution, classification, and ecology.

- General chemistry provides students with instruction that is directly related to day-to-day living. Topics include similarities and dissimilarities of matter, the preparation and separation of substances, organic compounds, household chemistry, environmental pollution, modern materials, and chemical analysis.

- General physics is recommended for students who would benefit from an introductory course in physics. Students study mechanics, waves, electricity, heat, sound, atomic and nuclear physics, semiconductors, and space systems.

Local Science Courses

- For students pursuing a local diploma, school districts may develop local science courses in earth science, biology, chemistry and physics as an alternative to the State general-level sciences in these areas. Each of the four science courses in this category should address the needs of individual students who are not scientifically inclined, but who could benefit from introductory study in a particular science. Local science courses may also be developed cooperatively with BOCES.

Unified Science

- Unified science is a locally developed course intended for students pursuing a local diploma. Because unified science integrates the various science subject areas, it is recommended for students who could benefit from studying science in breadth rather than depth. Students who take unified science should be provided with a basic understanding of how all the sciences work together to solve such persistent human problems as crime prevention, disease control, adequate food production, efficient transportation systems, or adequate energy production.

Environmental Science

- Environmental science is a locally developed course designed for students pursuing a local diploma. Local districts may adopt or adapt the State syllabus, An Environmental Syllabus. This course is recommended for students who are not planning careers in the area of applied sciences. Students study the interrelationships of humans to their environment. Topics include such environmental problems and issues as food supply, energy, land use and management, transportation, pollution, environmental health, and global resources management.

Applied/Consumer Science

- These courses are locally developed for students who are pursuing a local diploma and who would benefit from an understanding of how the sciences they studied in grades 7, 8 and 9 can be applied to a variety of contemporary challenges and careers. Students' experiences in this course should be concrete, not theoretical or abstract. There is no State syllabus for applied/consumer science.

Occupationally Related Science

- This course is a second-year science course for students pursuing an occupational education sequence for a local diploma. The principles of the several sciences are presented in the context of practical applications within the world of work. A State syllabus will describe the principles and several of the applications of each, as well as the educational results required.

Mathematics

- The chart on the following page delineates the combinations of courses which may meet the two-unit requirement in mathematics. Following the chart are course descriptions and the content to be included in a computer mathematics course.

MATHEMATICS - TWO-YEAR REQUIREMENT

LOCAL DIPLOMA

FIRST YEAR	COMPETENCY REQUIREMENTS	SECOND YEAR
General High School Mathematics	RCT	Course I (non-Regents) Course I (Regents) Business Mathematics Consumer Mathematics Computer Mathematics Occupationally Related Mathematics
Business Mathematics	Regents Examination	Course I (non-Regents) Course I (Regents) Computer Mathematics
Course I (non-Regents)	RCT	Course I (Regents Course II (non-Regents) Business Mathematics Consumer Mathematics Computer Mathematics Occupationally Related Mathematics
Course I (Regents)	Regents Examination	Course II (non-Regents) Course II (Regents) Computer Mathematics Occupationally Related Mathematics

REGENTS DIPLOMA

FIRST YEAR	COMPETENCY REQUIREMENTS	SECOND YEAR	
Course I (Regents)	Regents Examination	Course II (Regents)	Regents Examination

MATHEMATICS - COURSE DESCRIPTIONS

The courses described below satisfy the two-year mathematics requirements, as indicated.

General High School Mathematics

The State syllabus for general high school mathematics completes the study of basic mathematics begun at the elementary and junior high levels. Topics include operations with whole numbers, fractions and decimals, geometry, ratio, proportion, percent, probability and statistics, as well as consumer and job-related activities. Successful completion of this course prepares students for the Regents Competency Test (RCT) in mathematics.

Course I (Regents)

The State syllabus for Regents Course I encompasses topics in algebra, geometry, logic, probability and statistics at an introductory level. The Regents examination is usually administered at the completion of this course.

Course I (non-Regents)

The non-Regents Course I covers in a less rigorous manner the same topics as Course I (Regents). More time may be devoted to student activities and projects with a view to deepening the students' understanding of the fundamentals of mathematics. Successful completion of the Regents-level examination is not required.

Course II (Regents)

The State syllabus continues the topics introduced in Course I and introduces mathematical systems, transformation geometry and Euclidean proof. The Regents examination is usually administered at the completion of this course.

Course II (non-Regents)

The non-Regents Course II covers the same topics as Course II (Regents) but with less emphasis on formal proof and more time devoted to problem solving and projects and activities of a practical hands-on nature. The successful completion of the Regents-level examination is not required.

Consumer Mathematics

Consumer mathematics courses are locally developed. Such courses extend the mathematics developed in previous courses through problem-solving activities and applications to practical consumer-related situations. Such topics include, but are not limited to, percent, area, volume, probability, statistics, geometry and algebra.

Computer Mathematics

Computer mathematics courses are locally developed and approved by the Education Department. The courses must include the study of mathematics topics, with the use of the computer as a tool. Such topics include, but are not be limited to, number theory, unsolved problems, topology, simple algebra, statistics and probability. Programming or keyboarding courses do not satisfy the second-year mathematics requirement.

Occupationally-Related Mathematics

Occupationally-related mathematics is a second-year mathematics course for students pursuing an occupational education sequence for a local diploma. The course provides instruction in the use of mathematical procedures in problem solving, decision-making and day-to-day operations within a cross-section of the various occupational areas. A draft State syllabus describes the educational results expected and provides examples of how the several areas of mathematics are applied to a variety of employment tasks. Occupationally-related mathematics may not be used as the second-year mathematics course when the first-year mathematics course is business mathematics.

Business Mathematics

The business mathematics course designed to serve as a background for subsequent business courses, to further vocational preparation for a business position, and to meet the personal and consumer needs of the students. Topics include mathematics related to personal financial management, business operations, office applications and banking. The Regents examination is usually administered at the completion of this course.

Computer Mathematics

In the November/December 1984 issue of the School Executive's Bulletin, computer mathematics was listed as a possible second course for students to meet the two-year mandated mathematics requirement for the local diploma. A course in computer mathematics extends the mathematics developed in previous courses through problem-solving activities commensurate with the ability level of the student. Although programming may be an integral part of this course, application of mathematical topics should be central. The computer should be viewed as a tool of instruction, which helps the student to gain a greater understanding of mathematics concepts.

The revised grade 7-8 mathematics syllabus, presently being piloted in schools across the State, includes a unit on computer awareness. A review and extension of this unit may serve as an introduction to computer literacy and applications of computer concepts may be used to review, reinforce and extend mathematical

concepts and skills. A major realization in any computer mathematics course is that the computer is a tool and a program is an algorithm or plan for solving a specific problem. Hence, students should have some knowledge of the operational symbols found in a programming language, but major emphasis should be given to the mathematics being presented.

Since the computer mathematics course is locally developed, it should meet the needs and ability level of the students for whom it is designed. Therefore, the mathematical topics chosen may vary significantly from school to school. The list below is a limited sample of some of the areas that could be included:

Number theory
Geometry
Probability and Statistics
Consumer mathematics
Elementary algebraic concepts
Graphing
Coordinate geometry

Since the computer mathematics course is a course in mathematics as opposed to a programming or data processing course, it should be taught by a teacher certified in secondary mathematics, who also possesses the necessary computer knowledge. Submit descriptions of all computer mathematics courses to the Bureau of Curriculum Development, Room 314F, State Education Department, Albany, New York 12234 for approval if they are to be used for Regents diploma credit. Approval will be given only for those courses which are based on mathematics learning objectives.

LOCAL ADDITION TO LOCAL DIPLOMA REQUIREMENTS

C.R. 100.5

Diploma requirements:

...

POLICY

A school district or nonpublic school may add to but not reduce, the State requirements for a local diploma. Such additional requirements for the local diploma equally apply to the Regents diploma. School districts or nonpublic schools desiring to establish higher requirements only for the Regents diploma must request approval through the variance procedure described under Variances for Programs and Special Focus Schools on pages 15.1-15.9 of this handbook.

COURSE SEQUENCES IN ENGLISH, SOCIAL STUDIES, SCIENCE, MATHEMATICS, ART, MUSIC AND OCCUPATIONAL EDUCATION FOR THE REGENTS AND LOCAL HIGH SCHOOL DIPLOMAS FOR STUDENTS WHO FIRST ENTER GRADE 9 IN 1985 AND THEREAFTER, AND WHO TAKE FOUR OR MORE YEARS TO GRADUATE

C.R. 100.5(b)(2)(i) and (c)(2)

(b) Additional requirements for the Regents diploma.

...

(2) In order to obtain a Regents diploma, students first entering grade nine in 1985 and thereafter, and taking four or more years to complete the diploma requirements, shall successfully complete:

(i) either:

(a) a sequence of three units of credit in each of two occupational education subjects, or in each of two second languages, or in each of two of the following areas: mathematics, science, a second language, occupational education, art or music; or

(b) a sequence of three units of credit in mathematics, science, a second language, an occupational education subject, art or music, and a sequence of five units of credit in either English or social studies; or

(c) a sequence of five units of credit in mathematics, science, a second language, an occupational education subject, art or music, provided that a student selecting a sequence of five units of credit in a second language may use such sequence to meet the requirements set forth in subparagraph (ii) of this paragraph; and

...

(c) Additional requirements for the local diploma.

...

(2) In order to obtain a local diploma, students first entering grade nine in 1985 and thereafter, and taking four or more years to complete the diploma requirements, shall successfully complete:

(i) a sequence of three units of credit in each of two occupational education subjects, or in each of two second languages, or in each of two of the following

areas: mathematics, science, a second language, occupational education, art or music; or

(ii) a sequence of three units of credit in mathematics, science, a second language, an occupational education subject, art or music, and a sequence of five units of credit in either English or social studies; or

(iii) a sequence of three units of credit in mathematics, science, a second language, an occupational education subject, art or music.

POLICY

- Students who enter grade nine before September 1988 and who complete an extended Regents sequence (i.e., five units or more) in occupational education, art or music will not be required to have completed three units of a second language. In lieu of the requirement of three units of credit in a second language, the student will need to take an additional three-unit sequence in any subject area.

- English. For the fifth year of English in the 5-year sequence, the course should be at a level above or beyond what is expected in the fourth year; or if an elective, the course should be at the appropriate level and focus on an aspect of the curriculum, such as journalism, theater, creative writing, in greater depth than would be expected in a regular English course. Business communications is acceptable as a fourth or fifth unit of English.

- Social Studies. For the fifth year of social studies in the 5-year sequence the course should be different from what is expected in the previous four units of required work; or if an elective, the course should be at the appropriate level and focus on one or another of the social sciences or history in greater detail than would be expected in a regular social studies course. Such courses may be interdisciplinary in nature, reflect an emphasis such as law- related education, or be an approved college level course. Business law is acceptable as a fifth unit of social studies.

- Science. For the local diploma, students may elect a fifth unit of study in the natural sciences (life, physical or earth sciences) that does not substantially duplicate course material taken in a previous course, is beyond the difficulty level of the sciences in grades 7-9, and is a course approved by the local board of education. (It is recommended that such a course integrate a laboratory and/or field experience with the instruction component.)

  For the Regents diploma, students may elect a fifth unit of study that is beyond the four Regents-level sciences,

is at the collegiate level, and has been approved by the State Education Department. The course must be laboratory sciences, and students must experience the equivalent of thirty periods of laboratory and/or field work, with satisfactory written reports of these experiences.

- Mathematics. A 5-unit sequence in mathematics for a Regents diploma must consist of Regents Courses I, II, and III with the passing of the Regents examination in each and two years of mathematics beyond the scope of this sequence. Only one of these two additional units may be in computer mathematics. This computer mathematics course must be at the collegiate level and must be approved by the State Education Department.

- Art and Music

  - Three-Unit Sequence in Fine Arts. To receive Regents diploma credit, students must successfully complete the following:

    -- 1 unit of credit in Studio in Art

    -- 1 unit of credit in courses relating to music/knowledge or attitude development

    -- 1 unit of credit in humanities education or performing arts education

  - Five-Unit Sequence in Fine Arts. To receive Regents diploma credit, students must successfully complete the following:

    -- 1 unit of credit in Studio in Art

    -- 1 or 2 units of credit in advanced art

    -- 1 or 2 units of credit in courses relating to music/ knowledge or attitude development

    -- 1 or 2 units of credit in humanities education or performing arts

  - For both the 3- and 5-unit sequence, it is recommended that the student pass a locally prepared comprehensive examination designed to cover the concepts presented in the specific courses taken.

  - Three-Unit Sequence in Comprehensive Visual Arts. To receive Regents credit for this sequence, students must pass the foundation course Studio in Art and earn at least two additional units of credit in advanced art selected from the flow chart, appearing earlier in this

section. One of these units may be earned in mechanical drawing and design.

- Five-Unit Sequence in Comprehensive Visual Arts. To receive Regents credit for the five-unit visual arts sequence, students must pass the foundation course, Studio in Art, and earn at least four additional units of credit in advanced art selected from the flow chart or the courses may be written locally and approved by the Department for use as a Regents-level course.

- Upon completing a three-unit or five-unit visual arts sequence, the student should pass a comprehensive examination based on the following guidelines:

  -- The locally prepared comprehensive examination designed to cover the concepts presented in the specific courses in which the student has been enrolled. Content should include both the broad aesthetic concepts of Regents Goal 3 as well as the competencies in the areas in which credit has been earned.

- Competencies may be demonstrated by:

  -- a portfolio consisting of at least 7-10 pieces of artwork in several different media and content areas

  OR

  -- the development of a large scale project such as a mural, sculpture, community planning, or a research paper.

- Three-Unit Sequence in Art History and Appreciation. To receive Regents credit for this sequence, students must successfully complete both Studio in Art and Art History and Appreciation, and earn an additional unit of credit by passing one advanced art history course or one course in humanities education.

- Three-Unit Sequence in Mechanical Drawing and Design. To receive Regents credit for this art sequence, students must pass the foundation course, Mechanical Drawing and Design, and two additional units in one of the following combinations:

  -- two units in product, advertising, stage, or architectural design

  -- one unit in Studio in Art and another in product, advertising, stage, or architectural design

- The three-unit sequence for Regents diploma credit in the music program consists of a minimum of one unit in knowledge development, with the remaining courses selected from either knowledge development or participation in a major performing group.

- The five-unit sequence for Regents diploma credit consists of a minimum of two units in knowledge development and the remaining three units from either knowledge development or participation in a major performing group.

- Note: It is recommended that the three unit sequences listed above for Regents diploma credit also be used for local diploma credit.

- All courses should be selected from the following flow chart.

- See page 44.1 for policy on advanced courses outside of school.

GUIDELINES

- Science

  - Typical courses for the fifth unit of Regents science would be: Advanced Placement courses, college/high school cooperative courses, college courses, student research project courses, and locally developed, State-approved, advanced science courses.

  - It is recommended for the optional five-unit sequence in science for either the local or Regents diploma, that students complete at least three units of study in mathematics.

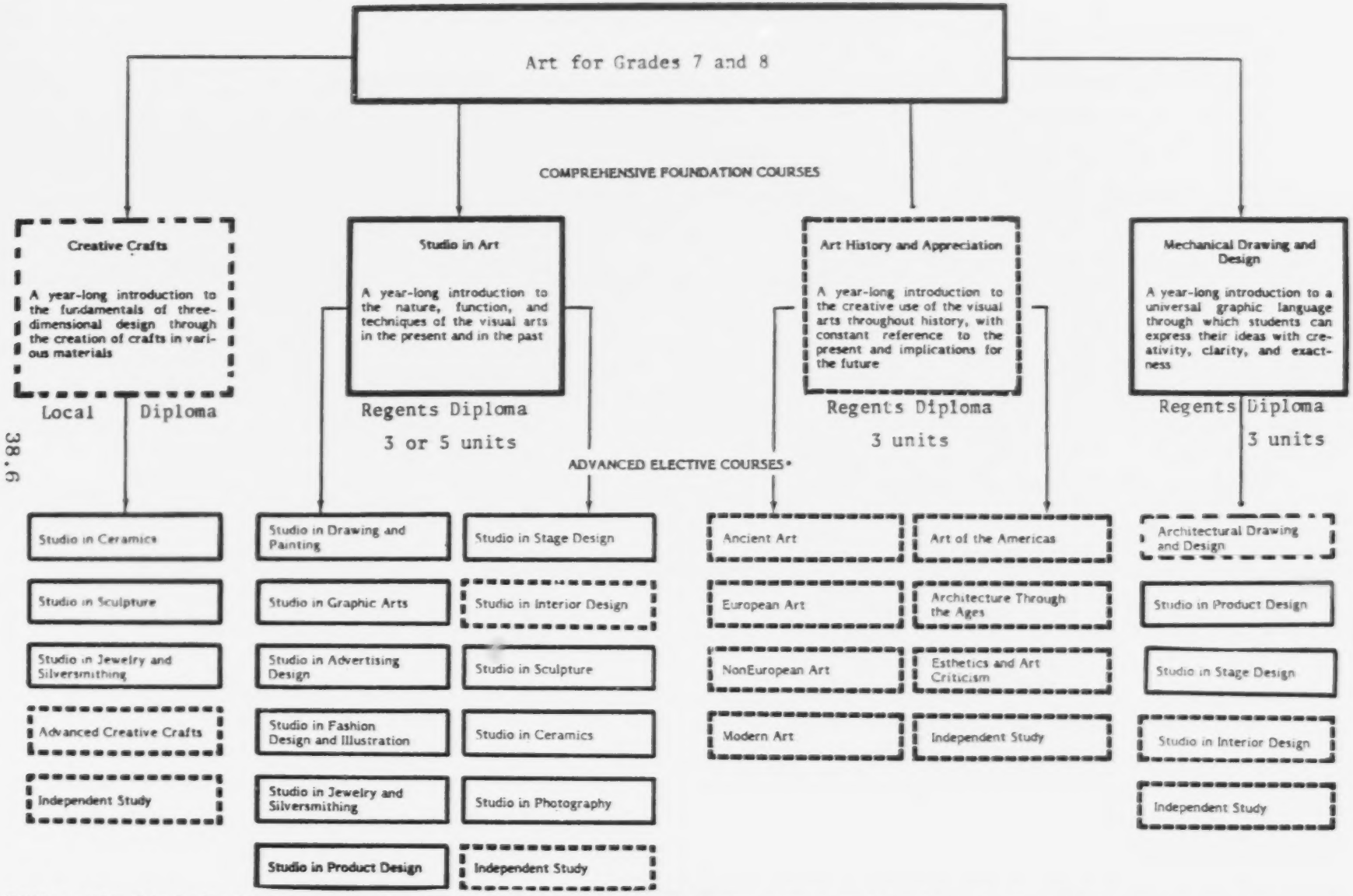
- Music and Visual Arts

  - Music sequences should contain a balance of knowledge development and skill development; visual arts sequences should contain a balance of two and three dimensional design courses.

  - It is strongly suggested that courses be selected from the Education Department's flow chart (pg. 38.6-38.7).

  - All revised curriculum should include information to increase student awareness of disabilities and the disabled.

VISUAL ARTS EDUCATION


Art for Grades 7 and 8
COMPREHENSIVE FOUNDATION COURSES
Creative Crafts
A year-long introduction to the fundamentals of three-dimensional design through the creation of crafts in various materials
Local Diploma
Studio in Art
A year-long introduction to the nature, function, and techniques of the visual arts in the present and in the past
Regents Diploma
3 or 5 units
Art History and Appreciation
A year-long introduction to the creative use of the visual arts throughout history, with constant reference to the present and implications for the future
Regents Diploma
3 units
Mechanical Drawing and Design
A year-long introduction to a universal graphic language through which students can express their ideas with creativity, clarity, and exactness
Regents Diploma
3 units
ADVANCED ELECTIVE COURSES*
Studio in Ceramics
Studio in Sculpture
Studio in Jewelry and Silversmithing
Advanced Creative Crafts
Independent Study
Studio in Drawing and Painting
Studio in Graphic Arts
Studio in Advertising Design
Studio in Fashion Design and Illustration
Studio in Jewelry and Silversmithing
Studio in Product Design
Studio in Stage Design
Studio in Interior Design
Studio in Sculpture
Studio in Ceramics
Studio in Photography
Independent Study
Ancient Art
European Art
NonEuropean Art
Modern Art
Art of the Americas
Architecture Through the Ages
Esthetics and Art Criticism
Independent Study
Architectural Drawing and Design
Studio in Product Design
Studio in Stage Design
Studio in Interior Design
Independent Study

*Titles enclosed in broken lines are suggestions for locally developed advanced elective courses. To be used toward a Regents Diploma, they must be approved.

MUSIC IN THE MIDDLE/JUNIOR HIGH SCHOOL

7th and 8th Grades

① SKILL DEVELOPMENT

INSTRUMENTAL 1,2,3 or 4 Units

BASIC INSTRUCTION
Individual
Small Group (Classes)
Large Group (Sectionals)

BANDS
Symphonic
Concert
Marching
Wind Ensemble
Stage Band

ORCHESTRAS
Symphonic
Concert
Chamber
String

Solo and Ensemble INSTRUCTION
Woodwinds
Brasses
Percussion
Strings

VOCAL 1,2,3 or 4 Units

BASIC INSTRUCTION
Individual
Voice Class
Large Group (Sectionals)

CHORUSES
Symphonic
Concert
Select
Boys
Girls
A Capella
Madrigal
Swing

Solo and Ensemble INSTRUCTION
Solos
Duets
Trios
Quartets, etc.

KEYBOARD 1,2,3 or 4 Units

ACCOMPANIMENT

INDIVIDUAL INSTRUCTION
Piano
Organ

PIANO CLASSES
Conventional
Electronic

② MUSICAL KNOWLEDGE

SPECIALIZATION
1, 2, 3 or 4 Units
Theory I, II or III
Harmony
Counterpoint
Music Literature
History of Music
Composition
Conducting

COMPREHENSIVE FOUNDATIONS OF MUSIC (1 Unit)

GENERAL MUSIC - 3 (1 Unit)

③ ATTITUDE DEVELOPMENT (General Education)

EXPLORATORY COURSES
Guitar Class
Folk Singing
History of Jazz
Contemporary Music
Hi-Fi Equipment
and
Record Collecting

GENERAL MUSIC - 3 (½ or 1 Unit)

May be offered as ½ Unit Credit Courses
(Basis of 4-5 recitations per week, with equivalent outside preparation, for 20 weeks; or 2-3 recitations per week, with equivalent outside preparation, for 40 weeks)

(or)

as Full Unit Credit Courses
(Basis of 4-5 recitations per week, with equivalent outside preparation, for 40 weeks)

(or)

in any combination or sequence adaptable to local situation - course to be called "Explorations in Music"
(credit to be granted on same basis as above)

MUSIC IN OUR LIVES
1 unit of credit
1/2 unit of credit - to meet 1/2 unit of study time requirement with appropriate reduction of content

9th through 12th Grades

MUSIC MAJOR (Suggested Combination)
2 Units of Skill Development (1)
+ 1 Unit of Musical Knowledge (2)
3 Unit Major Sequence in Music

FINE ARTS MAJOR
1 Unit of Musical Knowledge (2) or Attitude Development (3)
+ 1 Unit of Humanities or Performing Arts
+ 1 Unit of Studio in Art or Art History
3 Unit Fine Arts Major Sequence

BEST COPY AVAILABLE

- Occupational Education

  - The 7th and 8th grade introduction to technology and home/career skills courses serve as a foundation for all occupational education courses.

  - Beginning with the students who first enter grade nine in 1985, all students completing a sequence for a local or Regents diploma must be in State-approved sequences. For the class of 1989, the time requirement of the new sequences must be met; students who first enter grade nine in 1986 will have to meet the new content requirements; and students who first enter grade nine in 1987 must pass State occupational education proficiency examinations, when available.

  - The chart on page 38.10 provides an overview of all of the new occupational education sequences. This summary chart provides the conceptual framework which should be used to implement the new program. Although numerous options exist for the organization of the new curriculum, in general, schools should organize their curriculum around one unit of introduction to occupations for all occupational students, followed by one or two unit cores of each occupational education instructional program (i.e., home economics, business, agriculture, etc.), and concluding with specialization training of one to six units, depending on the program. Specific details on each of these sequences is provided in a publication on occupational education sequences dated August 1985.

  - In reviewing these materials, please note that:

    -- The State sequences must be followed, or locally-developed sequences must be approved by the State Education Department.

    -- All State-approved sequences will require that students pass State examinations in the two required one-quarter-unit modules of introduction to occupations and, where State examinations are available, in their area of specialization.

    -- Introduction to occupations can be taught as a discrete course or integrated within the area of specialization. If integrated, the unit requirement must be met. In all cases, the State examination must be passed, beginning with students who first enter grade nine in 1987.

    -- Youth Leadership Development activities should be integrated into all occupational education programs.

-- The use of occupationally related mathematics and science courses to fulfill one unit of mathematics and one unit of science credit for occupational education students is permitted.

The following chart lists the number of "short" sequences (three- or four-unit) and the number of "extended" sequences (5-units or more) within each occupational area.

SUMMARY OF OCCUPATIONAL EDUCATION SEQUENCES
GENERAL CONCEPTUAL FRAMEWORK

(1 Unit)
Introduction to
Occupations *

Business/Marketing**	Agriculture***	Home Economics**	Technology**	Health Occupations**	Trade****	Technical*****
Core (1 unit) Business Core required for all sequences	Core (1 unit) Agriculture Core required for all sequences	Core (1-2 units) Home Economics Core from selected courses, required for all 3-unit sequences	Core (1½ units) Technology education specifically identified Core for all sequences	Core (2 units) Health Occupations Core required for 3-unit sequence	3 additional units for a 4-unit sequence and 5-8 additional units for a 6-9 unit sequence from one of the following 8 program clusters: - Vehicle Maintenance/Repair - Drafting - Graphic/Printing Communications - Construction - Elec./Electronic - Precision Metal - Motorcycle/ Marine & Outdoor Power Equipment - Aviation/Maintenance/Manufacturing & Repair - Unique & Emerging Occupations - Cosmetology	5- to 8- specifically identified additional units from one of the following program clusters: - Electricity/ Electronics - Computer Systems - Electro-Mechanical - Mechanical - Architectural - Civil - Fashion Design - Aerospace - Manufacturing
Specialization (1 unit for a 3-unit sequence and a minimum of 3 units for a 5-unit sequence of specifically identified units in specialized area	Specialization (1 unit) From one of the following: - Ag. Production and Science - Ag. Business Management & Services - Natural Resources & Ecology PLUS for 4-unit sequence, select 1 unit AND for 5-unit sequence, select 2 units of specifically identified "alternative" units	Specialization (For 3-unit sequence, 0-1 unit from cluster specialization) For extended (5+ units) sequences, complete a minimum of 2 specifically identified units in specialized areas	Specialization (½ unit) Of Technology electives for 3-unit sequence, PLUS 2 units of Technology electives for 5-unit sequence OR 2 units of other specifically identified occupational education programs	Specialization For extended sequences (5+ units), complete 2-6 additional units which are specifically identified		

* May be taken as stand-alone or integrated within specialized curriculum. If integrated, the unit of study within the specialized curriculum must be expanded by one unit. Must include two 1/4-unit required modules; The Working Citizen and Personal Resource Management. The remaining two modules will typically be recommended from a specific list of approved modules. The two required modules will have a required State examination. Unit requirements may be met anytime prior to completing an approved sequence.

** Includes 3- and 5- to 8-unit sequence options.

*** Includes 4- and 5-unit sequence options.

**** Includes 4- and 6- to 9-unit sequence options (except as noted in the box).

***** Includes only 5- to 8-unit sequences.

38.10

REGENTS DIPLOMA CREDIT FOR COURSES WHERE NO REGENTS EXAMINATION IS AVAILABLE

CR 100.5 (b)(6)

(6) For students first entering grade nine in 1985 and thereafter, and taking four or more years to complete the diploma requirements, a unit of credit towards a Regents diploma, in courses where no Regents or State test exists, other than courses in mathematics or science, shall be awarded only if:

(i) the unit of study is taught in accordance with a State syllabus approved by the department for use in a Regents-level course; or

(ii) if no State syllabus for the course is available, the unit of study is taught in accordance with a locally developed syllabus approved by the department for use in a Regents-level course.

PROCEDURES

For courses for which there is no Regents examination, if no State syllabus is available, submit a request for approval of the locally developed course to the Bureau of Curriculum Development no later than April 1st prior to the date of implementation.

REQUIREMENT TO PASS STATE OCCUPATIONAL EDUCATION PROFICIENCY EXAMINATIONS FOR STUDENTS WHO FIRST ENTER GRADE 9 IN 1987 AND THEREAFTER

C.R. 100.5(c)(5)

In order to obtain a local diploma, students first entering grade 9 in 1987 and thereafter, and taking four or more years to complete the diploma requirements, and taking an approved occupational education sequence, shall pass the appropriate occupational education proficiency examinations, where available, as defined in section 100.1(k) of this Part.

POLICY

Students who first enter grade 9 in 1987 and thereafter will be required to pass the occupational education proficiency examinations for any occupational education sequence for which tests are available if they are pursuing an occupational education sequence. Students will also be required to pass the State examination on the two required modules in introduction to occupations.

USE OF OCCUPATIONAL EDUCATION COURSES TO FULFILL GENERAL EDUCATION COURSE REQUIREMENTS

C.R. 100.5(d)

Alternatives to specific Regents and local diploma requirements.

POLICY

The following sets forth the Department policy on the use of occupational education courses to meet diploma requirements in general education under the new Part 100 Regulations of the Commissioner, effective September 1, 1985. Students must be pursuing an approved sequence in occupational education in order to use this option.

- Local Diploma Requirements

For a local diploma, section 100.5(d) of the Commissioner's Regulations specifically authorizes the use of a State-developed occupationally-related science course and/or a State-developed occupationally-related mathematics course or business mathematics to satisfy one of the two required units in science and/or mathematics for students pursuing an occupational education sequence.

For students enrolled in a program leading to a local diploma, locally-developed occupational education courses which in the judgment of the Superintendent of Schools meet the criteria on the following pages, may be used to meet specific general education diploma requirements.

State syllabi in occupational education courses related to general education are now in draft form. They have been designed to meet the criteria in this section for local diploma credit in each of the following general education areas included in the diploma requirements. The draft State syllabi for the occupational education courses listed below can be used at the superintendent's discretion for courses which satisfy local diploma requirements in general education:

Occupational Education Courses	General Education Credit for the Local Diploma
Business Mathematics and State-developed occupationally-related Mathematics	-- 1 unit of mathematics
State-developed occupationally-related Science	-- 1 unit of science
Business Communications	-- 4th or 5th unit of English
Technical Writing	
Mechanical/Technical Drawing	-- 1 unit of art

Architectural Drawing		requirement
Graphic Communication Fashion Design	--	1 unit of art requirement
Business Law	--	5th unit of social studies
Health Occupations Education Core	--	1/2-unit health education requirement

- Regents Diploma Requirements

For students enrolled in an occupational education sequence leading to a Regents diploma, all general and occupational education courses must meet the specific criteria of this section before a course may be used for credit toward a Regents diploma. The State-developed occupational education courses listed above, when available, can be used to satisfy the Regents general education courses identified above, except mathematics and science.

In Regents mathematics, the Regents level Courses I, II, and III must be used. In the area of Regents science, local districts can develop a rigorous occupationally-related course and submit it to the Department for approval or use Regents courses in earth science, biology, physics, or chemistry to meet course or sequence requirements. The State-developed occupational education courses may not be used as part of a Regents science sequence.

All locally-developed general education and occupational education courses designed to meet academic requirements for a Regents diploma must be submitted to the State Education Department for approval. Criteria for approval of these courses follow.

Direct further questions regarding authorization to use occupational education courses to meet general education requirements to:

Edward T. Lalor, Director
Division for Program Development
Room 314C, State Education Building
Albany, New York 12234
(518) 474-5897

CRITERIA TO EVALUATE COURSES FOR WHICH ART CREDIT IS BEING SOUGHT TO MEET THE COMMISSIONER'S REGULATIONS

Occupationally related courses designed to meet the art requirements of the Commissioner's Regulations should meet the following criteria:

The student shall demonstrate:

- knowledge and creativity essential to producing works of visual arts in several media.
- the mastery of skills and techniques essential to creating art products (drawing, painting, two and three dimensional design, etc.).
- orally and in writing that he/she understands the diversity of the cultural heritages which have contributed to the visual arts.
- orally and in writing that he/she is knowledgeable in the history of visual arts.
- orally and in writing that he/she has an understanding of esthetic judgments and is able to apply them to works of art.

CRITERIA TO EVALUATE COURSES FOR WHICH ENGLISH CREDIT IS BEING SOUGHT TO MEET THE COMMISSIONER'S REGULATIONS

Occupationally related courses designed to meet the English requirements of the Commissioner's Regulations should meet the following criteria:

The student shall demonstrate:

- the capacity to write for the following purposes: (a) to express self, (b) to narrate, (c) to explain, and (d) to describe.
- the capacity to write the following products: (a) letters, (b) poems, (c) narration, (d) reports, (e) description, (f) persuasion, and (g) exposition.
- use of correct spelling, punctuation, and capitalization in written products.
- the capacity to listen and speak for the following purposes: (a) for social interaction, (b) for information and understanding, (c) for critical purposes, and (d) for pleasure.
- broad reading experience with several literary genres for the following purposes: (a) to respond as a discriminating reader, (b) to analyze and effectively communicate the characteristics of literary genre, and (c) to compare, contrast, and evaluate various literary genres.
- capacity to read for the following purposes: (a) for the acquisition, interpretations, and applications of information, (b) for esthetic and personal response, and (c) for critical and evaluative decision making.
- language usage as a matter of appropriateness and social acceptance.
- command of different levels of language usage.

CRITERIA TO EVALUATE COURSES FOR WHICH SOCIAL STUDIES CREDIT IS BEING SOUGHT TO MEET THE COMMISSIONER'S REGULATIONS

Occupationally related courses designed to meet the social studies requirements of the Commissioner's Regulations should meet the following criteria:

The student shall demonstrate:

- knowledge and understanding in one or another of the social sciences: economics, political science, sociology, anthropology, geography, psychology; or a topic of history. (Courses may have a variety of titles or approaches, but the content, structure, and methodologies should reflect one or more of the disciplines listed.)

- knowledge and understanding of the above subjects at a learning level above the recommended State social studies program, 9-12.

- mastery and ability to use, analyze and apply data gathering, problem solving, decision making, and interpersonal skills.

- verbally and in writing that he/she has an understanding of the following major concepts: Change, Citizenship, Culture Empathy, Identity, Justice, Scarcity, Nation-State, Technology, Interdependence, Environment, and Equality.

CRITERIA TO EVALUATE COURSES FOR WHICH HEALTH CREDIT IS BEING SOUGHT TO MEET THE COMMISSIONER'S REGULATIONS

Occupationally related courses designed to meet health requirements of the Commissioner's Regulations must meet the following criteria:

The student shall demonstrate:

- knowledge of the physical and developmental stages through the human life cycle (infancy, childhood, puberty, adolescence, maturity) and impact of health and disease throughout the life cycle.
- knowledge of the symptoms and causes of emergencies related to accidents and injuries (respiratory, cardiac, shock and sudden illness) and proper first aid techniques to handle such emergencies.
- knowledge of the interrelationships among physical, mental, emotional and social well-being for maintaining health and those factors which contribute to the promotion of mental and emotional health.
- knowledge of parenting skills and the roles and responsibilities needed to promote family health.
- knowledge, decision-making skills, and responsible behavior regarding the use of drugs, alcohol, and tobacco.
- a knowledge of national and global environmental health problems and a knowledge of attitudes, skills and services needed to contribute to a healthful environment.
- a knowledge of how to select competent professional health care and other purchased health services and products.

CRITERIA TO EVALUATE COURSES FOR WHICH REGENTS SCIENCE CREDIT IS BEING SOUGHT TO MEET THE COMMISSIONER'S REGULATIONS

Occupationally related Regents science courses designed to meet the science requirement of the Commissioner's Regulations should meet the following criteria:

The student shall demonstrate:

- at a level equivalent to other Regents sciences, knowledge of the natural world and of inquiry skills characteristic of the student's occupational field that does not substantially duplicate the other Regents sciences.
- at a level equivalent to other Regents sciences, the application of the knowledge and inquiry skills in problem solving situations characteristic of the student's occupational field.
- at a level equivalent to other Regents sciences, appropriate laboratory techniques, including safety practices, characteristic of the student's occupational field.
- at a level equivalent to other Regents sciences, a comprehensive understanding of the laboratory experiences by completing satisfactory written reports.

EARNING BY STUDENTS OF UP TO 6 1/2 UNITS OF CREDIT
WITHOUT COMPLETION OF UNITS OF STUDY

C.R. 100.5(d)(1)

(d) Alternatives to specific Regents and local diploma requirements.

(1) A student may earn a maximum of 6 1/2 units of credit for either a Regents or local diploma without completing units of study for such units of credit, if:

(i) based on the student's past academic performance, the superintendent of a school district or the chief administrative officer of a nonpublic school, or his or her designee, determines that the student will benefit academically by exercising this alternative;

(ii) the student achieves a score of at least 85 percent, or its equivalent as determined by the commissioner, on a State-developed or State-approved examination;

(iii) the student passes an oral examination or successfully completes a special project to demonstrate proficiency, as determined by the principal, in the subject matter area; and

(iv) the student attends school, or received substantially equivalent instruction elsewhere, in accordance with section 3204(2) of the Education Law, until the age of 16, pursuant to sections 3204 and 3205 of the Education Law.

POLICY

- The following are State-developed examinations: Regents examinations in all subjects; second language proficiency tests; and occupational education proficiency tests.
- If a student wishes to earn units of credit toward the local diploma without fulfilling the required unit of study, the final examination for that course must have Education Department approval prior to the administration of the examination.
- The oral examination must test skills or content which are different from those in the written examination.

- The oral examination may be administered before or after the final written examination is given.

- As part of a student's special project for a Regents science (earth science, biology, chemistry, or physics), under the provision of Section 100.5(d) (1), the student must demonstrate proficiency in a range of inquiry and laboratory (field) skills which are equal to the skills expected to be achieved by a regularly enrolled Regents science student. Proficiency may be demonstrated by one of three methods:

  1. Following participation in a formal program of a higher education or recognized scientific institution, documentation provided by the institution that laboratory (field) experiences achieved by the student in the program equal or exceed skills expected to be acquired by students regularly enrolled in the Regents science course.

  2. Following independent study, documentation provided by the student of an equal quantity of laboratory time with quality of written laboratory reports equal to reports required of students regularly enrolled in the Regents science.

  3. Following independent study, successful completion by the student of a locally designed, State Education Department-approved, comprehensive laboratory investigation(s) with written laboratory report(s) on an appropriate scientific problem(s) that would cover the range of the expected laboratory outcomes to be accomplished by a regularly enrolled Regents student by the end of the course of study.

  This provision is not available to a student who has been regularly enrolled in a Regents science course and was unable to complete the laboratory component. (A pre-laboratory assessment should be administered prior to a student's conducting any aspect of the special project noted in item 3 to assure that the student has the necessary prerequisite knowledge and mastery of safety techniques and procedures.

GUIDELINES

- Review the student's past academic record. Ensure that the student has received above average final test and course grades in a majority of his/her courses, but especially in the subject area for which credit is being sought without the unit of study.

- For occupational education students, results of appropriate occupational aptitude tests should be considered.

- An oral examination might include solving two or three problems, using skills and understandings that are part of the course curriculum.

- Following are examples of types of special projects:

  - English: research paper on literature, creative writing, collection of poems, a play, a short story.

  - mathematics: research paper

  - social studies: field project in government, an archeological dig, research paper

  - science: letter from an appropriate institution documenting student's level of achievement of laboratory experience, written laboratory reports, successful completion of a locally designed comprehensive laboratory investigation with satisfactory written report.

  - second language: translation of a piece of literature, creation of a written composition in the second language, such as a report, narrative, poem, play

  - visual arts: production of a movie, creation of a fine arts project, such as a large-scale mural, an architectural model, a project in community planning, an approved research project.

  - occupational education: a community project as part of youth leadership activities

  - business education: a money management project

  - music: creation of a music composition consisting of an approved song form, harmonic content, and correct use of the necessary notation.

PROCEDURES

- All locally developed final examinations that are used as a means of earning units of credit without completing the units of study, must be sent to the Division of Educational Testing, New York State Education Department, Room 773 EBA, Albany, New York 12234, for prior approval.

CREDIT FOR PARTICIPATION IN MAJOR PERFORMING ORGANIZATIONS

C.R. 100.5(d)(2)(i)(a)

. . .

(i) A student may obtain the unit of credit in art and/or music required pursuant to subparagraph (a)(2)(v) of this section in the following manner:

(a) by participation in a school's major performing organization such as band, chorus, orchestra, dance group or theater group ...

POLICY

- Only major performing organizations which are a regular part of the school program may be used for credit. In the majority of instances the swing band, marching band, stage band, etc. serve in a rather limited capacity with a limited scope of content. The exception would be if the organization is a regular part of the school program and the time requirement for one unit of credit is met.

- For approval for Regents diploma credit, submit the local course of study for such performing groups to the Bureau of Curriculum Development, State Education Department, Albany, New York 12234.

PARTICIPATION IN AN ADVANCED OUT-OF-SCHOOL ACTIVITY IN FULFILLMENT OF ALL OR PART OF THE REQUIRED UNIT OF CREDIT IN ART AND/OR MUSIC

C.R. 100.5(d)(2)(i)(b) and (ii)

(d) Alternatives to specific Regents and local diploma requirements.

. . .

(2) Art and/or music.

(i) A student may obtain the unit of credit in art and/or music required pursuant to subparagraph (a)(2)(v) of this section in the following manner.:

. . .

(b) by participating, only in exceptional situations, in an advanced out-of-school art or music activity. Credit for such participation shall be upon recommendation by the student's art or music teacher, shall be approved by the art or music department chairperson, if there is one, and by the school principal, and shall be consistent with the goals and objectives of the school's art and/or music program.

(ii) A student may receive a unit of credit for participation in such activities if such participation is equivalent to a unit of study, or a student may receive one-half unit of credit for such activity equivalent to one-half unit of study.

POLICY

- For advanced courses outside of school, the principal must request a copy of the advanced course outline to be offered from the institution, organization or individual clearly delineating course content. The course outline must be reviewed and approved by the art or music supervisor and the art or music teacher. The course must be consistent with the school's art or music program and meet the equivalent time requirement for one full unit or one-half unit of credit.

- This alternative is not for private music study, which is covered in Law Pamphlet 12. Regulations concerning private music study are described in detail on pages 12 and 13 of the syllabus, Music In The High School.

USE OF AMERICAN COLLEGE TESTING PROGRAM AND COLLEGE ENTRANCE EXAMINATION BOARD TESTS IN LIEU OF REGENTS EXAMINATIONS AND REGENTS COMPETENCY TESTS

C.R. 100.5(d)(4)

(4) Scores obtained on appropriate examinations of the College Entrance Examination Board and the American College Testing Program, as designated by the commissioner, may be used in lieu of the corresponding Regents examination requirements for a Regents high school diploma, required pursuant to subdivisions (a)(1)-(2) and (b) of this section, and to satisfy the requirements of the Regents competency testing program set forth in paragraph (a)(4) of this section.

POLICY

- The policies and the cutoff scores on the examinations are contained in the publication, Regents Examinations and Competency Tests: School Administrator's Manual, 1983 Edition. The cutoff scores are updated as testing requirements change.

- If a college admissions examination is used in place of the Regents examination, to receive credit toward the Regents diploma, the student must meet the laboratory requirements for the course.

C.R. 100.6

Local Certificates

C.R. 100.6

100.6 Local certificates.

A school district or the principal of a nonpublic school may award a certificate to a student with a handicapping condition, as defined in section 200.1(cc) of this Title, in accordance with the following provisions:

(a) Prior to awarding such a certificate, the governing body of a school district or nonpublic school shall adopt written policies and procedures ensuring that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of section 100.5 of this Part.

(b) A student with a handicapping condition may be awarded a local certificate, provided that:

(1) such student has achieved the educational goals specified in such student's individualized education program in effect during the school year in which such a certificate is awarded; and

(2) unless identified as meeting all the criteria of section 200.1(cc)(4) of this Title, such student has attended school for at least 13 years, excluding kindergarten, or has received a substantially equivalent education in accordance with section 3204(2) of the Education Law for such period of time.

(c) Each such certificate shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend the public schools of the school district in which the student resides until the student has earned a high school diploma or until the end of the school year of such student's 21st birthday, whichever is earlier.

(d) Each superintendent of a school district or principal of a nonpublic school shall report to the State Education Department, within 15 days after the June graduation, the total number and the names of the students awarded certificates by

each high school in that school year. A copy of the school district's or nonpublic school's policies and procedures adopted pursuant to subdivision (a) of this section shall be on file in the district office and available for review by the commissioner.

(e) No other certificates shall be awarded except for certificates recognizing achievement beyond the high school diploma.

GUIDELINES

- Develop policy and procedures which ensure that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma. As districts develop the policy and procedures required by section 100.6, attention should be given to:

  - establishing district goals for students with handicapping conditions regarding the attainment of diplomas; and

  - establishing procedures for collecting data needed to assess the current status of students with handicapping conditions, in diploma-bound programs. Consider the number of students with handicapping conditions:

    -- enrolled in courses for credit and the type of courses most often scheduled;

    -- participating in statewide and district testing programs;

    -- awarded local certificates over the past five years;

    -- being provided alternative testing techniques;

    -- attending school beyond the age of 16;

    -- receiving a high school diploma;

    -- participating in High School Equivalency programs;

    -- participating in occupational and guidance programs; and

    -- receiving instruction in regular education or equivalent curricula.

- Establish written assurances of access to programs at the building level by delegating persons responsible for ensuring appropriate opportunities.

- Develop a clear policy on the awarding of local certificates.

  - establish criteria for determining when a handicapped student has achieved the goals of his of her IEP in order to award a local certificate;

  - determine how a student receiving a local certificate will be provided with information explaining the meaning of a local certificate and of continuing eligibility;

  - determine how students who receive local certificates will participate in graduation ceremonies; and

  - develop a process for reporting to the State Education Department the number and names of students awarded local certificates.

- Develop a clearly written statement that accompanies a local certificate that explains the continuing eligibility to receive services until the end of the school year of their 21st birthday or until a diploma is earned, whichever is earlier.

- Develop guidelines for modifying instructional techniques and materials to provide students with handicapping conditions the opportunity to meet diploma requirements.

- Establish guidelines for cooperative activities between the guidance department, building administrators and Committee on the Handicapped for integrating handicapped students' regular and special education programs.

C.R. 100.7 and 100.8

High School Equivalency Diploma Programs

C.R. 100.7 and 100.8

100.7 State high school equivalency diploma.

(a) Requirements.

(1) Each candidate shall have lived within the State of New York for at least one month prior to the examination and:

(i) shall be 19 years of age or over; or

(ii) shall be at least 17 years of age, and:

(a) shall not have been enrolled in a regular, full-time high school program of instruction within the preceding twelve months; or

(b) shall be a member of a high school class which has graduated; or

(c) shall be a resident of a narcotic addiction control center, or an inmate of a correctional institution or a patient in a hospital in the State of New York, and the head of such institution certifies that the high school equivalency diploma constitutes an essential element of the rehabilitational program; or

(iii) shall be enrolled in an alternative high school equivalency preparation program in accordance with subdivision (e) of this section.

(2) In order to receive a high school equivalency diploma, candidates shall:

(i) take the general comprehensive examination prescribed for the program, in English, and achieve a standing designated as satisfactory by the Commissioner of Education; or

(ii) take the general comprehensive examination prescribed for the program in a language other than English and for those taking the examination on or after July 1, 1986, an English language proficiency examination designated by the commissioner, and achieve a standing designated as satisfactory by the commissioner in each examination except that candidates who achieve a satis-

factory standing only in the general comprehensive examination may receive a high school equivalency diploma that bears an inscription indicating the language in which the general comprehensive examination was taken, and may exchange such diploma for a diploma not containing such inscription upon achievement of a satisfactory standing on the designated English language proficiency examination; or

(iii) provide satisfactory evidence that they have successfully completed 24 credits or the equivalent as a recognized candidate for a college-level degree or certificate at an approved institution.

(3) The following persons who have been present within the State of New York for at least one month prior to the examination but do not meet fully the requirement under paragraph (1) of this subdivision may, upon proper application, be admitted to the examination:

(i) persons who are required to provide scores on the examination for enlistment in the Armed Forces of the United States; and

(ii) candidates for admission to a program of postsecondary education for which high school graduation is the normal prerequisite. A transcript of the scores for such persons will be mailed to the agency or institution requesting it, but a diploma will not be issued until such time as the person becomes fully qualified.

(b) Time and place of examination. The examinations for the high school equivalency diploma shall be held at such times and places as shall be designated by the Commissioner of Education.

(c) Application. Candidates shall submit an individual application in the form and manner prescribed by the commissioner.

(d) Retesting. A candidate may take the examination for the high school equivalency diploma more than once. A period of at least two months shall elapse between testing periods. A different form of the examination shall be used for each retesting. The application procedures for each retesting shall be the same as for the original testing. On each retesting, a candidate shall have the option either of retaking one or two of the five tests in the battery or of retaking all five tests. Candidates who do not qualify for the diploma on the basis of retest scores

shall have their eligibility for the diploma reevaluated on the basis of the highest score obtained on each test previously taken.

(e) Alternative high school equivalency preparation programs operated by school districts and boards of cooperative educational services for students at least 16 years of age and under the age of 18. Students who are at least 16 years of age, or such older maximum age as the board of education of the school district may designate for required school attendance pursuant to section 3205(3) of the Education Law, and under the age of 18, may be enrolled in alternative high school equivalency preparation programs. Such pupils may transfer directly from a regular high school program or enroll after having left secondary school. In order to obtain the approval of the department for alternative high school equivalency preparation programs, the governing body of the school district or board of cooperative educational services shall submit an application in the same manner as set forth in paragraph (f)(2) of this section, and shall assure in such application that:

(1) the program approval requirements set forth in paragraph (f)(3) of this section are satisfied;

(2) the program offered to each student shall consist of not less than 12 hours per week;

(3) subjects or activities are scheduled in addition to preparation for the high school equivalency examination as part of the program of at least 12 hours as follows:

(i) for students with reading levels at grade eight or above on tests approved by the commissioner, preparation for the high school equivalency examination shall be no less than six hours of the minimum 12-hour program. Activities other than preparation for the high school equivalency examination may include general academic education, occupational education, general academic work experience, work experience associated with occupational education, adolescent vocational exploration, and counseling and support services related to the instructional program. Such subjects or activities which are scheduled in addition to preparation for the high school equivalency examination shall be subject to approval by the department; and

(ii) for students with reading levels below grade eight on tests approved by the commissioner, no less than nine hours of the minimum 12-hour program shall be instruction in reading, mathema-

tics, oral and written communication, and life skills. Activities other than such instruction shall include counseling and support services related to the instructional program, and shall be subject to approval by the department;

(4) written approval by a person in parental relation to the student or by the student, as provided for in Education Law section 3212(1) and (4), of each student's enrollment shall be obtained;

(5) documentation of student eligibility shall be maintained by the local school district and be available to the department. In order for students who are at least 16 years of age but under the age of 18 to be eligible to enroll in an alternative high school equivalency preparation program, a student who has not been on the regular day school register of grade nine for at least one school year shall score below the State reference point on any fifth or sixth grade pupil evaluation program test. In order to be eligible to enroll in an alternative high school equivalency preparation program, other students who are at least 16 years of age but under the age of 18 shall have fewer than 12 1/2% of the number of units of credit required by the school district for a local diploma multiplied by the number of years the student has been in grades 9 through 12. Approval may be granted for a variance from the eligibility requirements set forth in this paragraph upon a finding by the commissioner that exceptional circumstances warrant such a variance; and

(6) documentation setting forth the name of each student transferred into a program approved pursuant to this subdivision from a regular high school program shall be maintained by the local school district and be available to the department. In addition, such documentation shall indicate what remedial instruction, counseling and support services were provided to the student prior to transferring into the program; whether such student continues in the program, has received a high school equivalency diploma, or has withdrawn from the program; and such other information as may be required by the commissioner. A summary of such documentation shall be submitted to the department on a form prescribed by the commissioner.

(f) High school equivalency preparation programs operated by school districts and boards of cooperative educational services for students at least 18 years of age and under the age of 21.

(1) In order to meet the requirements for a State high school equivalency diploma, students at least 18 years of age and under the age of 21 who have not received a high school diploma or equivalency diploma, may be enrolled in programs approved in accordance with Part 168 of this Title for employment preparation education, in programs approved pursuant to subdivision (e) of this section, or in programs approved in accordance with paragraphs (2) and (3) of this subdivision organized specifically for persons who are at least 18 years of age and under the age of 21.

(2) Application. Each school district or board of cooperative educational services intending to operate a program to prepare students at least 18 years of age and under the age of 21 to meet the requirements for a State high school equivalency diploma shall submit to the department an application in a form prescribed by the department for approval of such programs. Such application shall be submitted no later than April 1st of each year for programs to be operated during the following school year. The commissioner may, at his discretion, accept a later application when unusual circumstances provide good cause for such late submission.

(3) Program approval requirements. In order to obtain the approval of the department for any program to prepare students to meet the requirements of the State high school equivalency diploma, the governing body of the school district or board of cooperative educational services shall assure in its application that:

(i) a curriculum developed or approved by the department is to be used;

(ii) instruction is individually prescribed and placed in each class;

(iii) individual student folders are easily accessible to students and teachers and include information concerning registration, attendance, testing, and individual program needs;

(iv) no class register exceeds 20 students;

(v) at least 150 hours per year of total instruction is made available to individual students;

(vi) English-speaking students are given entrance tests in reading and mathematics to determine the approximate skill level;

(vii) English-speaking students in need of basic education are provided instruction in reading, mathematics, oral and written communication and life skills;

(viii) English-speaking students are given standardized achievement tests which report scores in grade equivalents and which have forms for retesting at required intervals or other such instruments approved by the commissioner;

(ix) students with limited English proficiency are given placement tests prior to placement in an appropriate level of the instructional program;

(x) students with limited English proficiency are provided instruction in listening, reading, mathematics, oral and written communication and life skills;

(xi) students with limited English proficiency are given achievement tests specifically designed for such students or other such instruments approved by the commissioner;

(xii) students preparing for the high school equivalency examination are given diagnostic tests to determine the specific instruction needed to attain the minimum score to qualify for a New York State high school equivalency diploma and are provided such instruction;

(xiii) students with needs other than basic education, high school equivalency examination preparation, and English as a second language are provided appropriate instruction, such as bilingual instruction, as authorized by the commissioner;

(xiv) all students are tested at intervals necessary to determine status and progress;

(xv) classes of instruction for the high school equivalency examination operate at least 6 but not more than 20 hours per week, unless otherwise approved by the commissioner;

(xvi) individual and group counseling are available to all students enrolled in the program;

(xvii) professional staff assigned to conduct programs of preparation for a high school equiva-

lency diploma shall be provided with appropriate staff development;

(xviii) enrolled students shall not begin instruction specifically designed to prepare for the high school equivalency examination, unless they read at an 8.0 grade level on tests approved by the commissioner; and

(xix) students preparing to take the high school equivalency examination shall not be referred to that test unless they demonstrate readiness as indicated by tests approved by the commissioner.

(g) Approval may be granted for a variance from the standards and assurances set forth in paragraphs (e)(1)-(3) and (f)(3) of this section upon a finding by the commissioner that the requirements of such paragraphs will be substantially met.

C.R. 100.8 Local high school equivalency diploma.

Boards of education specified by the commissioner may award a local high school equivalency diploma based upon experimental programs approved by the commissioner.

POLICY

The high school equivalency diploma is granted by the State Education Department, not by the school or BOCES which conducts the program.

GUIDELINES

- High schools that conduct high school equivalency preparation programs or alternative high school equivalency preparation programs may not award units of credit for passing the subtests on the GED. Students may take other courses concurrently in general or occupational education subjects and may receive units of credit for passing these courses. If a student receives a high school equivalency diploma while enrolled in secondary courses, the student may complete those courses.

- Persons who are from 16 to 20 years of age and those who are 21 and over may be organized into separate classes or may attend the same classes to prepare for the General Education Development Examination.

PROCEDURE

- High school equivalency preparation programs for 18, 19 and 20 year olds may be conducted by local school districts and by BOCES. Application packets for high school equivalency preparation programs are mailed in the spring to all school districts and BOCES. Applications must be returned to the Education Department by April 1.

- Alternative high school equivalency programs for 16 and 17 year olds may also be conducted by local school districts and by BOCES. Requests for applications should be sent to the Bureau of School Registration, State Education Department, Albany, New York 12234.

- Boards of cooperative education services must submit a Cooperative Service Application (COSER) to the Education Department in order to offer a high school equivalency preparation program or an alternative high school equivalency preparation program and must contract with each district (component or non-component) whose residents participate in the program.

SECTION II

STATUTORY AND REGULATORY REQUIREMENTS

Section II

Statutory and Regulatory Requirements

Introduction

Except for Part 100 of the Commissioner's Regulations (presented in Section I), this section replaces the former publication of Minimum Requirements in New York State. The descriptions of requirements are summative and are not the official wording of the statutes, rules, and regulations. For complete statements of statutory requirements, Regents Rules, and Commissioner's Regulations, consult State Education Law, Rules of the Board of Regents, and Regulations of the Commissioner of Education. The Rules and Regulations are published in the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), Volume A, Title 8, Education Department. Copies of Volume A are obtainable from the printer, Lenz & Riecker, Inc., 135 W. 50th Street, 23rd Floor, New York, New York 10020.

The New York State statutes relating to education are found in McKinney's Consolidated Laws of New York, Book 16, published by West Publishing Co., St., Paul, Minnesota.

A. Attendance (see Appendix A)

1. Compulsory Attendance

- Each minor from 6 to 16 years of age who is physically and mentally able must attend full-time instruction in a public, private, or parochial school. (Ed.L. 3205 (1)(a))*

- Minors attending a nonpublic school must receive substantially equivalent instruction to that offered in the public schools in the district of residence. (Ed.L. 3204)**

- A minor who is a high school graduate is not required to attend school. (Ed. L. 3205 (2)(a))

- In city school districts and school districts with independent superintendencies, boards of education may require minors from 16 to 17 years of age to attend full-time day instruction if such minors are not employed. (Ed. L. 3205 (3))

See Also: Ed.L. 3207 (Limited English Proficiency)
Ed.L. 3208 (Exemption From Attendance)
CR 101.1-.6 (Same)
Ed.L. 3210 (Regularity of Attendance)

2. Entitlement

- Resident pupils over 5 and under 21 years of age are entitled to attend school in the school district in which they reside without paying tuition, providing they have not received a high school diploma. In addition, certain other children who reside within the limits of a school district may be eligible to attend the public schools of that district without payment of tuition depending upon the circumstances of each case. A veteran of any age who has been discharged from the armed forces of the United States under conditions other than dishonorable, is entitled to attend school without paying tuition in his or her school district of residence, upon conditions prescribed by the board of education. (Ed.L. 3202, Subsection 1). (Ed.L. 3202)

- No child between the ages of 2 months and 18 years may be admitted into any school, whether it is public, or private, unless such child has been immunized against poliomyelitis, rubella, diphtheria, mumps, and measles; except that a religious exemption may be granted. No such child may be permitted to attend any school in excess of 14 days without proof of such immunization, although this period may be extended to 30 days for students transferring from another state or country (Public Health Law 2164; Ed. Law 914).

*In citations, Ed.L. refers to Education Law, RR to Regents Rules, and CR to Commissioner's Regulations.

**See Appendix A, Equivalency of Instruction in Nonpublic Schools.

- A child who attains the age of 5 on or before December 1 of the current school year must be admitted to the kindergarten if a district operates such a program. (Opinion of Counsel)

- Occupational education courses must be offered on a tuition-free basis to resident pupils of the school district, including pupils enrolled in nonpublic schools, who are over five and under 21 years of age. This entitlement applies to veterans regardless of age, if not dishonorably discharged, who enroll in their school district of residency. (Ed.L. 4602, 3202)

3. Attendance Records (Ed. L., 3211)

- The principal of a school, or other persons in charge of the instruction of minors, must cause the record of the minor's attendance to be kept and produced and answer all appropriate inquiries in relation to the record. The principal must promptly notify in writing the school authorities of the city or district of the discharge or transfer of any such minor from attendance upon instruction, stating the date of the discharge or transfer of any such minor from attendance upon instruction, stating the following: date of the discharge, cause of the discharge, the minor's name, the minor's date of birth, the minor's place of residence prior to and following discharge, if such place of residence be known, and the name of the person in parental relation to the minor.

4. Employment Certification (Ed. L., 3215-28)

- Employment certification requirements are set forth for minors which include age requirements, types of employment permitted or prohibited, duties of employers, and other special provisions.

See Also: Arts and Cultural Affairs Law 35.01-.07

B. Length of School Year and School Day

1. School Year (see Appendix A)

- A secondary school or academic department of a school district which is admitted to the University of the State of New York (registered) must provide at least 175 days of academic instruction each year. (RR 3.32)

- Notwithstanding R.R. 3.32, cited above, a full-time day school or class shall be in session at least 190 days each year, inclusive of legal holidays and exclusive of Saturdays. (Ed.L. 3204(4))

- Notwithstanding Ed.L. 3204(4) and R.R. 3.32 cited above, to receive the full amount of state aid, schools must be in session for at least 180 days each year. The Commissioner may disregard a deficiency of the 180-day requirement of up to five days caused by extraordinarily adverse weather conditions, fuel shortages, or other emergency conditions if the Commissioner determines the district cannot make up such instruction for secondary grades by using all scheduled vacation days which occur before the first Regents examination day, or for elementary grades all scheduled vacation days which occur

prior to the last scheduled Regents examination day. Such make-up days may not include Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, Dr. Martin Luther King, Jr. and Memorial Day.

- A deficiency not exceeding six days during any school year due to teachers' conferences held by district superintendents and meetings shall be excused by the Commissioner. (Ed.L. 3604(8))

- A deficiency not exceeding three days during any school year due to Superintendent's Conference Days shall be excused by the Commissioner. One of the three Superintendent's Conference Days may be scheduled as two half-day conferences. (Ed.L. 3604(8))

2. School Day (CR 175.5)

- Length of Day

  The minimum length of the school day exclusive of time for lunch is as follows:

  Kindergarten

  1) full-day session . . . . . 5 hours
  2) half-day session . . . . 2½ hours

  Grades 1 through 6 . . . . . 5 hours
  Grades 7 through 12 . . . . . 5½ hours

- Double Session (CR 175.5(c))

  When a school is on double or overlapping sessions, the school day must be no less than 4½ hours in the secondary grades, 4 hours in the elementary grades, and 2 hours for a half-day kindergarten. Written approval of the Commissioner is required prior to scheduling such double or overlapping sessions for any school year.

- Hospitalized Pupil (CR 175.21)

  The minimum amount of instruction time which must be provided in order for a hospitalized pupil to be counted in attendance for any particular day is:

  Elementary level: 5 hours per week and, to the extent possible, a minimum of 1 hour per day.

  Secondary level: 10 hours per week and, to the extent possible, a minimum of 2 hours per day.

- Exceptions to any of the foregoing requirements related to the hospitalized pupil may be granted by the Commissioner (Ed.L., 3210(2)(d)).

3. Summer School

Although summer school is not a statutory requirement, when a summer school is provided, the following are required:

- Resident students may not be charged a tuition fee for attending a summer school, regardless of the curriculum of the summer school. A registration fee of no more than three dollars may be charged.

- A summer elementary school must provide a program of at least 15 but not more than 30 days of instruction with class periods of at least 45 minutes. (CR 110.1)

- A summer secondary school must comprise the summer session of a registered secondary school and provide a secondary school program with class periods of at least 90 minutes (CR 110.2). A summer school session of 30 sessions of 90 minutes instruction in a subject is considered the equivalent of one semester of work for each such subject. (CR 110.4)

- Boards of cooperative educational services (BOCES) are authorized to operate summer school programs as a shared service for component school districts. Requirements for operation are essentially the same as for summer schools operated by school districts. (Ed.L. 1950(4))

4. Holidays

- No public school shall be in session on a Saturday (except for driver education classes) or a legal holiday (Ed.L. 3604(8)). (See also Ed.L. 802 and CR 109.1)

Legal holidays on which public schools may not be in session are:

New Year's Day	First day in January
Dr. Martin Luther King, Jr. Day	Third Monday in January (beginning 1986)
Memorial Day	Last Monday in May
Independence Day	Fourth Day in July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	Eleventh Day in November
Thanksgiving Day	Fourth Thursday in November
Christmas Day	Twenty-fifth Day in December

C. Teachers, Teaching Assistants, and Teacher Aides

1. Qualifications of Teachers

- Public school teachers must be certified in the areas they teach. (Ed.L. 3001(2), 3009, 3010, RR 7.3)

- All teachers who seek a provisional certificate in New York State after September 2, 1984 must demonstrate proficiency in a statewide examination.

- Local school authorities may require higher standards for a teaching position than the standards prescribed by the Commissioner. (RR 7.2)

- Nonpublic school teachers are not required to be certified, except for teachers of publicly-funded handicapped students attending nonpublic schools approved for contracting for the education of the handicapped.

2. Teaching Assistants (CR 80.33)

- A teaching assistant, appointed by a board of education, provides direct instructional service to students. Such instructional service is under the general supervision of a licensed or certified teacher.

- A teaching assistant must be certified, but may be temporarily licensed for no more than two years.

3. Teacher Aides (CR 80.33)

- A teacher aide may be assigned by a Board of Education to assist in non-teaching duties, such as:

  -- managing records, materials, and equipment
  -- attending to the physical needs of children
  -- supervising students and performing other services which are determined and supervised by teachers.

D. Special Areas

Note: The following sections, while properly considered part of the instructional program, are subject to additional laws and regulations and so are reported individually here.

1. Pupils with Handicapping Conditions

a. Definitions

A pupil with handicapping conditions is a person under the age of twenty-one who is entitled to attend public schools and who, because of mental, physical, or emotional reasons, can receive appropriate educational opportunities from special services and programs. (Ed. L. 4401)

b. Referral

A pupil suspected of having a handicapping condition must be referred in writing to the chairperson of the district Committee on the Handicapped or to the building administrator of the school in which the pupil attends or is eligible to attend. (Ed.L. 3208, 4402; Cr 117.3, 200.4(a))

c. Committee on the Handicapped

- The board of education or trustees of each school district must establish a committee on the handicapped. (Ed.L. 4402, CR 200.3)

- The Committee on the Handicapped must be composed of at least a school psychologist, a teacher or administrator of special education, a school physician, a parent of a handicapped child residing in the school district, provided that such parent is not employed by or under contract with the school district, and other persons as the board of education or the board of trustees designates. The school physician need not be in attendance at any Committee on the Handicapped meeting unless requested in writing at least 72 hours prior to such meeting.

  -- The Committee on the Handicapped must invite the appropriate professionals most familiar with a child's handicap or handicaps to attend any meeting concerning the educational program for such child.

  -- Members of the Committee on the Handicapped serve at the pleasure of the board of education or trustees, and members (who are neither employees nor under contract with such districts) serve without compensation except that such members are entitled to reimbursement for actual and necessary expenses incurred in such service, provided that any such expense is considered an aidable operating expense for state aid purposes.

  -- Districts not having available personnel may share the services of a local Committee on the Handicapped with another school district or contract with a Board of Cooperative Educational Services (BOCES) for such personnel.

- The Committee on the Handicapped must review all relevant information and evaluate the status of each handicapped pupil and each pupil thought to be handicapped. Written recommendations based upon an evaluation as to appropriate educational programs and placement must be made. (Ed.L. 4402; CR 200.4)

d. Individual Evaluation

An individual evaluation means any procedures, tests, or assessments used selectively with an individual child and does not include basic tests administered to, or procedures used with, all children in a school, grade or class. (CR 200.1(r))

-- An individual evaluation of a pupil referred to a committee on the handicapped shall be conducted at no cost to the parent and shall include at least a physical examination, an individual psychological examination and a social history and other suitable examinations and evaluations. (CR 200.4(b))

-- A comprehensive reevaluation must be conducted by the school district at least every three years following an initial evaluation of a child found to be handicapped. (Ed.L. 4402(1)(b)(3); CR 200.4(f)(4))

e. Register of Handicapped Children

The board of education or trustees of each school district must ascertain the number of handicapped children in such district under the age of twenty-one and the nature of the handicapping condition of each child, and maintain a register containing the name of each such handicapped child who resides in the district, the nature of such child's handicapping condition, and the educational placement, if any, of such child. (Ed.L. 4402(1)(a); CR 200.2)

f. Individualized Education Program

Each school district must provide for the preparation of an Individualized Education Program for each resident handicapped pupil. (CR 200.4(c))

-- The Individualized Education Program is a written statement or plan designed to meet the unique educational needs of each handicapped pupil and specifies the special education programs and services to be provided. (CR 200.1(p))

-- Phase I of the Individualized Education Program is written by the Committee on the Handicapped within 30 school days of the date of receipt of the referral, and must be reviewed at least annually. Phase II is developed at a planning conference conducted within 30 school days of the date of entrance into special education and must be reviewed at least annually. (CR 200.4(c), (e), (f))

-- Phase I of the Individualized Education Program includes:

- an identification of the pupil and the handicapping condition;
- a statement of the pupil's present levels of educational performance and individual needs, including achievement, learning rate, social and physical development and management needs;
- a statement of annual goals;
- a statement of the specific educational services including special class size and instructional materials to be provided such pupil and the extent to which the pupil will be able to participate in regular education programs, including occupational education when appropriate;
- the projected date for initiation, anticipated duration of such services, amount of time per day of special services and date of review of pupil's services;

- a description of any specialized equipment and adaptive devices needed for the pupil to benefit from education;

- a listing of those testing modifications to be used consistently by the pupil in the recommended educational program; and

- the recommended placement.

-- Phase II of the Individualized Education Program includes:

- a statement of short-term objectives consistent with the annual goals for the pupil; and

- appropriate objective criteria and evaluation procedures and schedules for determining, at least on an annual basis, whether the instructional objectives are being achieved. (CR 200.4(e)(5))

g. Special Services, Programs and Placement

Special services or programs, including transportation, transitional support services, related services, resource room and special class programs may be provided within the home school district, or by contract with a school district, a board of cooperative educational services, or a private school approved by the Commissioner. Placement in an approved private school located outside New York State or in a State-supported or State-operated school may be made only by the Commissioner. No pupil with a handicapping condition may be placed in a private school, unless such placement is determined to be the least restrictive educational environment, is for the entire school year or the balance therefore, and the school and such placement are approved by the Commissioner. Such programs as necessary, may also be provided in the pupil's home or in a hospital. (Ed.L. 4401 and 4402; CR 200.6)

h. Nonpublic Schools (See also Appendix A)

- Handicapped children who attend nonpublic schools must receive appropriate special education programs according to their individual needs from the public school district in which the school is located if the parents request such services in writing from their school district of residence. (Ed.L. 3602-c(2); CR 177.1; 34 Code of Federal Regulations 300.403)

i. Procedural Safeguards

- Consistent with due process, the following procedural safeguards are required (CR 200.5):

-- A Committee on the Handicapped must fully notify a parent in writing that evaluative information is being sought regarding a child thought to be handicapped. A description of the proposed evaluation must be included in the notice, together with the uses to be made of the information. Written parental consent to the evaluation is

required for pupils being evaluated for the first time, but not for any subsequent reevaluation. If such consent is withheld, the school district shall initiate an impartial hearing to determine the need for evaluation.

-- The Committee must fully notify a parent in writing of the district's intent to initiate, change or continue the provision of special education to a pupil. Written parental consent is required before the initial provision of special education to a pupil. If the parent does not so consent within 30 days, the school district shall initiate an impartial hearing.

2. Safety Education

a. Instruction in safety education, including highway and traffic safety, must be provided to all pupils for the equivalent of at least 30 periods annually in grades 1-9 and 15 periods annually in grades 10-12. (Ed.L. 806; CR 107.1)

b. School districts must include instruction on the use and abuse of alcohol in an approved driver education course. (Ed.L. 806A)

c. Instruction in arson and fire prevention education must be provided to pupils in every public, private and parochial school in the state. Such instruction must be given for at least 45 minutes each month during which school is in session. (ED.L. 808)

d. School bus safety drills must be conducted at least three times per year and shall include practice and instruction in the location, use and operation of the emergency door, fire extinguishers, first-aid equipment and windows as a means of escape in case of fire or accident. Drills shall also include instruction in safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark, and move away from the bus after disembarking. Each drill shall include specific instructions for pupils to advance at least 10 feet in front of the bus before crossing the highway after disembarking. Each drill shall emphasize specific hazards encountered by children during snow, ice, rain and other inclement weather including but not necessarily limited to, poor driver visibility, reduced vehicular control, and reduced hearing. All such drills shall include instruction in the importance of orderly conduct by all school bus passengers with specific emphasis given to student discipline rules and regulations promulgated by each board of education. Such instruction and the conduct of the drills shall be given by a member or members of the teaching or pupil transportation staff. Pupils attending public and nonpublic schools who do not participate in the drills described above shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills. (Ed.L. 3623; CR 156.3(h))

3. Health Education

a. Health education is instruction in understandings, attitudes, and behavior with regard to the several dimensions of health, relative to

alcohol, tobacco, and other drugs, safety, mental health, nutrition, dental health, sensory perception, disease prevention and control, environmental and public health, consumer health, first aid, and other health-related areas. (CR 135.1(j))

b. The governing board of each school district must provide a satisfactory program in health education in accordance with the needs of pupils in all grades. This program shall include, but shall not be limited to, instruction concerning the misuse of alcohol, tobacco, and other drugs. (CR 135.3)

c. Health education in the public elementary school includes a sequential program for all pupils in grades K-6. The program emphasizes personal health guidance and the development of desirable pupil health attitudes, knowledge, and behavior through planned activities in kindergarten and primary grades and planned instructional units in grades 4, 5, and 6 taught by the regular classroom teacher. (CR 135.3)

d. The public secondary school curriculum includes health education as a requirement for all pupils. In addition to continued health guidance in the junior high school grades, a separate one-half year course must be provided. An appropriate one-half unit course in the senior high school must also be provided. Such course is a requirement for graduation. (CR 135.3)

e. The required public secondary school health courses in public schools must be taught by a certified health teacher. (CR 135.3)

f. A member of each public secondary school faculty with approved preparation must be designated as health coordinator. The health coordinator facilitates cooperation with the faculty to insure that related school courses are supportive of health education. The coordinator enlists cooperation of community agencies and community resources to achieve a complete school-community health education program. (CR 135.3)

4. Physical Education and Extraclass Athletics/Coaching

a. 1. A school district physical education plan for the total program must be developed, kept on file in the school district office, and shall be filed with the Education Department's Division of Pupil Health and Fitness. School district plans should include information on the following (CR 135.4(a), (c), (g)):

- -- curriculum for grade levels;
- -- examinations and tests used in determining pupil needs and progress in physical fitness, knowledge and skills;
- -- class size and group patterns;
- -- use of noncertified persons, student teachers, paraprofessionals, etc.;
- -- use of nonschool facilities;
- -- use of supplementary personnel;
- -- summer school program, if conducted;
- -- policies and procedures for extraclass programs.

2. Each school district operating a high school must employ a district director of physical education, certified in physical education and administrative and supervisory service, who is responsible for the total physical education program. (CR 135.4(c)(4))

3. The curriculum in the school district must be designed to: (a) promote physical activity and the attainment of physical fitness, and a desire to maintain physical fitness throughout life; (b) attain competency in the management of the body and useful physical skills; (c) emphasize safety practices; (d) motivate expression and communication; (e) promote individual and group understanding; (f) provide knowledge and appreciation of physical education activities; (g) make each individual aware of the effect of physical activity on the body; (h) provide opportunities for the exercise of pupil initiative, leadership and responsibility; and (i) reinforce basic learnings of other areas of the total school curriculum. (CR 135.4(c)(1))

   Experiences of sufficient variety must be provided in each of the following: (a) basic and creative movement; (b) rhythm and dance; (c) games; (d) perceptual-motor skills; (e) individual and team sports; (f) gymnastics; (g) aquatics - where possible; (h) lifetime sports activities; (i) outdoor living skills; and (j) other appropriate activities which promote the development of boys and girls. (CR 135.4(c)(1))

4. All pupils in public schools in grades K-3 must participate in the physical education program on a daily basis. All pupils in public schools in grades 4-6 shall participate in the physical education program not less than three times each week. The minimum time devoted to such programs is at least 120 minutes in each calendar week, exclusive of any time required for dressing and showering; or as provided in an equivalent program approved by the Commissioner of Education. (CR 135.4(c)(2))

5. All public secondary school pupils shall have the opportunity for regular physical education but not less than three times per week in one semester and two times per week in the other semester, taught by a certified physical education teacher, and all such pupils must participate in the physical education program, as follows:

   -- a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester; or
   -- a comparable time each semester if the school is organized in other patterns; or
   -- for pupils in grades 10 through 12 only, a comparable time each semester in extraclass programs for those pupils who have demonstrated acceptable levels of physical fitness, physical skills, and knowledge of physical education activities; or
   -- for pupils in grades 10 through 12 only, a comparable time each semester in out-of-school activities approved by the physical education staff and the school administration; or

-- as provided in an equivalent program approved by the Commissioner of Education. (CR 135.4(c)(2))

6. Public schools must provide activities adapted to meet the differentiated needs of pupils who are temporarily or permanently unable to participate in the regular program of physical education. (CR 135.4(c)(1))

7. Individual medical certificates of limitations must indicate the area of the program in which public school pupils may participate. (CR 135.4(c)(3))

8. Public school physical education programs, which include the extraclass athletic activities, must be in compliance with Federal statutes regarding sex discrimination and students with handicapping conditions (Title IX of the Education Amendments of 1972, P.L. 94-142, Section 901, 20 U.S.C 1681)

9. Nonpublic schools must prescribe and maintain courses of instruction in physical education similar to the public schools in grades K-12. If such courses are not established and maintained by a nonpublic school, such school is deemed as not substantially equivalent to the instruction in the public schools in which the nonpublic school pupils reside. (CR 135.4(b))

b. 1. Extraclass athletic opportunities in public schools must be conducted in accordance with Section 135.4 of the Commissioner's Regulations.

2. Any person who is not a certified physical education teacher must meet the requirements of CR 135.4 (c)(7)(i)(c) in order to coach public interschool athletic teams.

3. All coaches of intramural, extramural or interschool athletics must hold valid certification in standard first aid and personal safety issued by the American Red Cross or meet equivalent requirements established by the Commissioner. (Ed.L. 3001(b); CR 135.5)

5. Occupational Education

a. A program of occupational education may be provided by a board of education for all age groups as preparation at all levels and for all kinds of employment in occupations requiring less than an associate degree. (Ed.L. 4602; CR 141.1, 141.2, and 141.4).

b. Related and supporting educational activities include cooperative work experience, student occupational education leadership organizations, counseling, placement, exploration and orientation, remedial and enabling instruction. (CR 141.4)

c. Approved occupational education programs must meet the needs, interest, and abilities of the persons enrolled and be directly related to entrance, continuance, or advancement in an occupation or field of occupations. (Ed.L. 4602)

d. Approved occupational education programs must maintain standards which provide that (CR 141.5):

-- Training must be related to the occupation for which the student is being prepared.
-- The program must provide the minimum entry level competencies for the student to enter into initial employment while providing a basis for future learning.
-- Instruction must be provided by certified persons.
-- In the absence of a syllabus or curriculum guide, a written training plan has been prepared and is being followed for each specialized occupational course being offered.

e. Eye safety devices, such as glasses, eye shields, and visors, must be provided for employees, visitors, and students in any situation for which there is a possible hazard, such as (CR 141.10):

-- hot solids, liquids or molten metals
-- milling, sawing, turning, shaping, or stamping of any solid material
-- heat treatment, tempering, or kiln firing of any metal or other materials
-- gas or electric welding
-- repair or servicing of any vehicle
-- caustic or explosive material.

f. School districts must provide secondary public and nonpublic resident students and adults access to programs of occupational education through their boards of education or shared services as provided by boards of cooperative educational services. Authority to employ personnel, establish approved courses, acquire facilities and equipment, or arrange for such through shared services is provided. (Ed.L. 4602)

g. Should an occupational education course not be available in the school district of residence, that district, in order to provide access to the occupational education program, may contract with other districts or Boards of Cooperative Educational Services for instruction in that occupational subject and must pay nonresident tuition. (Ed.L. 2045(2))

h. Nonpublic school students may enroll in courses offered by the public school district in which they reside, including courses offered by a board of cooperative educational services. (Ed.L. 3602-c)

i. Advisory councils with described duties and functions must be appointed for occupational education programs. (Ed.L. 4601)

6. School Libraries (CR 91.1-.2)

a. Each elementary and secondary school is required to establish and maintain a school library.

b. Unless an alternative arrangement is approved by the Commissioner, each public secondary school is required to employ a certified school library media specialist. In public secondary schools, an additional

full-time assistant certified school library media specialist is required for each 1,000 pupils after the first 1,000.

c. The school library must be open during a summer school session and must be under the supervision of a certified school library media specialist.

7. Continuing Education

a. Free continuing education night schools must be provided if 20 or more persons over 16 years of age apply. Such schools must provide instruction in speaking, reading, and writing in English and such additional subjects as may be adapted to the needs of the students applying for instruction. (Ed.L. 1712(3); CR 161.1)

b. A board of education may also establish day and evening schools for adults for (Ed.L. 4604):

-- instruction for foreign born, illiterate, and non-English-speaking persons;

-- instruction in secondary academic and approved vocational (occupational) subjects;

-- recreation and leisure activities.

8. Licensed Private Schools and Registered Business Schools (Ed. L. 5001-5004)

a. The Education Department licenses each private school and registers each business school offering occupational preparation for a fee to students in residence or by correspondence. Licenses or registration may be suspended or revoked or other disciplinary action taken when the Commissioner of Education concludes that schools are not complying with the provisions of the Education Law, Regents Rules, or Commissioner's Regulations.

b. Agents representing such schools for solicitation purposes must obtain individual certificaties issued by the State Education Department that assures principals are fully responsible for the actions, statements, and conduct of their certified agents.

c. School directors and teachers must meet qualifications established by the Commissioner of Education and obtain an appropriate license.

9. Language of Instruction (Ed.L., 3204(2); CR 154)

a. In teaching the subjects of instruction other than foreign languages, English must be the language of instruction, and textbooks used must be written in English, except that for a period of three years from the date of enrollment in school, pupils who, by reason of foreign birth or ancestry have limited English proficiency must be provided with instructional programs of bilingual education or English as a second language in accordance with standards established in the Commissioner's regulations. The three-year period may be extended to a period of no more than six years by the Commis-

sioner for individual pupils, upon application by the school authorities.

Definitions

b. Pupils with limited English proficiency are pupils who by reason of foreign birth or ancestry speak a language other than English and either understand or speak little or no English, or score below the statewide reference point on an English language assessment instrument approved by the Commissioner. (CR 154.2)

c. English as a second language instruction means an instructional program designed to teach English to pupils with limited English proficiency. (CR 154.2)

d. Bilingual education means a program of instruction in which there is instruction given in English including English as a second language, and in the native language. (CR 154.2)

Program Requirements for Receipt of State Aid

e. Eligibility is determined by use of an English language assessment instrument. (CR 154.3)

f. Bilingual programs must be provided if there are 20 or more eligible students of the same native language other than English in the same grade level assigned to the same school building. (CR 154.3)

g. English as a second language instruction must be provided if there are less than 20 eligible students in a school building. (CR 154.3)

h. Student proficiency in the English language shall be measured at least annually. (Ed.L. 3204)

i. Each school district shall develop a comprehensive plan. (Ed.L. 3204)

10. Released Time for Religious Education (CR 109.2)

a. Absence of a pupil from school during school hours for religious education conducted outside the school building and grounds must be excused upon the request in writing signed by the parent or guardian of the pupil.

b. Absence for a released time religious education program for grades K-12 must be for not more than one hour each week at the close of either the morning or afternoon session, or both.

c. The released time is fixed by the local school authorities, provided that the time designated for each separate unit, the primary grades (K-3), intermediate grades (4-6), junior high school grades (7-9), and senior high school grades (10-12) is the same for all pupils in that unit in each school. However, a board of education may permit pupils in departmentalized units to be released for not more than one hour a week in groups that may include less than whole units.

d. In no event may any pupil be released for more than one hour a week.

e. High school credit may be granted for released time instruction.

f. A board of education may establish an optional program for high school students in grades 9-12 to permit a student, with written approval of parent or guardian, to enroll in a course in religion in a registered nonpublic high school. Enrollment in a course of this nature must be approved in advance by the public high school principal with respect to course schedule, pupil attendance, and reporting of pupil achievement. Absence to attend such a course may be excused for the number of periods per week that the course is scheduled in the nonpublic school provided that the excused absences are at the beginning or close of a public school session and are mutually agreed upon by the school officials.

E. Educational Facilities

- Each school district must provide suitable and adequate school buildings and grounds for the instruction and accommodation of the pupils of such district. (RR 14.1)

- No public school building may be constructed, purchased, repaired, enlarged, or remodeled, except in cities having a population of 1,000,000 or more, unless plans and specifications have been approved by the Commissioner. Such approval may be withheld unless plans and specifications provide for heating, ventilation, lighting, sanitation, storm drainage, and health, fire, and accident protection adequate to maintain healthful, safe, and comfortable conditions in the building. (Ed.L. 408; CR 155.2)

- Actions by school districts and boards of cooperative educational services must not result in significant negative effect on the environment. (CR 155.5)

- Sites for the construction or enlargement of public school buildings must be approved by the Commissioner, provided the sites have been selected with reasonable consideration of cost, size, location, educational adaptability, conservation of natural resources, and avoidance of environmental problems. (CR 155.1(c))

- The number, types, space requirements, and pupil capacities of educational facilities must be related to the present and projected needs of school district programs and be consistent with a comprehensive long-range educational facilities plan. Facilities must be planned, designed, and constructed to provide for the health and safety of occupants and must support an environment conducive to learning. Consideration is to be given to educational efficiency, initial and long-range economy, conservation of natural resources, and practicality. (CR 155.1)

- To qualify for building aid on capital construction projects, any school district identified for potential reorganization in the State Plan for School District Reorganization must obtain a "Certificate of Apportionment of Building Aid."

- Existing public educational facilities, other than in city school districts of cities having over 125,000 inhabitants, must comply with specific requirements to insure the health and safety and the accident protection of occupants. (CR 155.3)

- No temporary school buildings, other than in city school districts of cities having over 125,000 inhabitants, may be used by school districts without the annual approval of the Commissioner. (CR 155.4)

- Public or private school buildings containing classroom, dormitory, laboratory, physical education, dining, or recreational facilities for students' use must be inspected at least annually for fire hazards. The inspection must be conducted prior to December 1 of each school year and a report of the inspection, on a form prescribed by the Commissioner, must be filed with the Commissioner by December 16 of that year. (Ed.L. 807-a)

- Each school district must submit an annual inspection report indicating progress in identifying and eliminating the imminent health hazards related to the presence of asbestos or asbestos materials. (Ed.L. 434)

F. Fire Drills (Ed.L. 807)

- Twelve fire drills must be conducted during each school year, eight of which must occur between September 1 and December 1 of each year.

- Two fire drills must be conducted in buildings carrying on a summer school program with one occurring during the first week of summer school.

G. 1. Suspension of a Pupil (Ed.L. 3214)

- A student may be suspended from school by a board of education or superintendent of schools, and may also be suspended by a principal, for a period not exceeding five school days provided that the board of education has delegated to the principal the power to suspend.

- When a student is suspended for five school days or less, the student and the person in parental relation to the student must, on request, be provided an opportunity for an informal conference with the principal. During such conference the person in parental relation may ask questions of complaining witnesses.

- If a student is suspended for more than five schools days, such student must be afforded an opportunity for a fair hearing upon reasonable notice, with the right to be represented by counsel, and to present witnesses and other evidence.

2. Dropping a Pupil Over Compulsory Age (Ed.L. 3202(1-a))

- No pupil over the compulsory attendance age may be dropped from enrollment unless absences have occurred for twenty consecutive days and unless both the student and the person in parental relationship have been notified in writing to attend an informal conference scheduled with the principal or superintendent. The conference will attempt to determine the reasons for the absences, and whether reasonable adjustment in the educational program may

enable continuance of study. If the pupil and the person in parental relationship fail to attend the conference, given reasonable notice, the pupil may be dropped from enrollment, provided that written notice is provided of the right to re-enter at any time if otherwise qualified.

3. Involuntary Transfer of Nonhandicapped Pupils (Ed.L. 3214(5))

- A nonhandicapped student may be transferred by a board of education or superintendent from regular classroom instruction to an appropriate educational setting in another school upon a written recommendation of the school principal, but the parent must be afforded the opportunity of an informal conference with the principal and the superintendent must notify the parent and student of their right to a fair hearing.

H. Transportation

- The Commissioner must plan and approve each bus route to assure maximum efficiency in the operation of a school bus on such a route. (Ed.L. 3622)

- No school bus may be purchased by a school district unless the bus has been approved by the Commissioner. The Commissioner is also required to establish rules and regulations for emergency bus drills. (Ed.L. 3623)

- The Commissioner determines and defines the qualifications of drivers and makes rules and regulations governing the operation of all transportation facilities used by pupils at public expense. (Ed.L. 3624)

- The Commissioner's Regulations set forth the standards for approval of routes and seating capacities, bus purchases, leasing of buses, transportation contracts, annual extensions of transportation contracts and safety regulations for drivers and pupils, which include the provision that a minimum of 3 emergency drills be conducted on school buses annually. (CR 156)

- Transportation must be provided up to a distance of 15 miles for all children attending public and nonpublic schools in grades kindergarten through 8 who reside more than two miles and for all children in grades 9 through 12 who reside more than three miles from the school they lawfully attend. (Ed.L. 3635(1))

- No State quota for transportation shall be allowed for a period greater than thirty days prior to the required filing of every contract for the transportation of pupils with the Education Department. (Ed.L. 3625)

- Written requests for transportation must be submitted to the board of education by parents of children attending public and nonpublic schools by April 1 or within thirty days after establishing residence in the district. However, late requests may not be denied where a reasonable explanation is provided for the delay. (Ed.L. 3635(2))

- Transportation must be provided to pupils with handicapping conditions as determined by the needs of the individual child based on the recommendation of the district's committee on the handicapped.

- For transportation of pupils with handicapping conditions , the two-and three-mile limits do not apply. However, such transportation may not be in excess of 50 miles from the home of the pupil unless the Commissioner of Education certifies that no appropriate nonresidential special service or program is available within 50 miles. (Ed.L. 4401(4); 4402(4))

- In city school districts, statute does not require transportation for any except handicapped children. However, boards of education, may provide transportation, but if they do, such transportation must be provided to all children in like circumstances. An enlarged city school district is required to provide transportation for children residing outside the city limits in accordance with the 2-, 3-, and 15-mile limits explained previously. (Ed.L., 2503, 2554, and 3635)

- No school bus transporting pupils between home and school or between schools which such pupils regularly attend either within or outside the district which operates or contracts for the operation of such bus, or transporting pupils for any purpose within such district, shall cross railroad tracks at grade except at a guarded railroad crossing, unless the governing body of the school district which operates the bus or contracts for the operation of the bus shall have adopted, at a regular meeting after a public hearing thereon, a resolution by which it shall have determined that the use of a route which would avoid an unguarded railroad crossing by the school bus would be impracticable. (Ed.L. 3636)

I. Organization of School Districts

Education law authorizes the Commissioner of Education to make studies and surveys of school districts to maintain the State Plan for School District Reorganization currently and to hold hearings and make recommendations to assure the most efficient and economical provision of educational services for children in the area. Such recommendations are most often directed toward the reorganization of remaining common school districts and the smaller union free and central school districts.

Reorganization incentives in the form of increased operating aid and building aid are provided to districts that reorganize in accordance with a plan approved by the Commissioner of Education.

Reorganization may be accomplished through different statutory provisions, depending upon the types of school districts involved in the reorganization and recommendations developed through the study process.

Regardless of the process used, reorganization is accomplished when two or more school districts are merged into a single district. Forms of reorganization include:

- Centralization: A new school district is formed encompassing the entire area of the former school districts included in the reorganization. (Ed.L. 1801-1804, 2510)

- Annexation: An existing school district is dissolved and the territory becomes a part of another school district. A new district is not created. (Ed.L. 1801-1804, 2510)

- Consolidation: Only common or union free school districts are eligible to be reorganized by consolidation. A new district is created as in centralization. (Ed.L. 1510-1514, 1517-1518, 2510)

- Consolidation with a City School District: An existing school district is dissolved and the territory becomes a part of the city school district. A new district is not created. (Ed.L. 1514, 1517-1518, 2510)

- Enlarged City School District: An existing school district is dissolved and the territory becomes a part of the existing city school district. A new district is not created. (Ed.L. 1514, 1517-15518, 1526, 2510)

- Dissolution: An existing school district is dissolved by order of the District Superintendent and its territory united with one or more adjoining districts. This form of reorganization is seldom used, except with non-operating districts. (Ed.L. 1505, 1505a, 1517-1521)

J. Boards of Cooperative Educational Services (BOCES)

- Boards of cooperative educational services are established by the Commissioner to carry out a program of shared educational services and to provide instruction in such special subjects as the Commissioner may apprrove. (Ed.L. 1950)

- BOCES services can be provided only at the request of component school districts and with the approval of the Commissioner of Education. (Ed.L. 1950(4b))

- All component school districts must share costs included in the BOCES administrative budget. (Ed.L. 1950(4b))

- Each component school district must inform BOCES of its intention to participate or not to participate in specific shared services by April 1 each year. (Ed.L. 1950(4d))

- Unanticipated services requested by component school districts subsequent to the adoption of the BOCES service budget must provide verification indicating the availability of funds in the budget of the school district to pay for such services. (Ed.L. 1950(4d))

K. Health Services

- No child may be admitted to any school district and no attending pupil may be permitted to continue to attend school in excess of 14 days unless that child meets the requirements of immunization law. However, the 14 days may be extended to not more than 30 days for an individual student transferring from another state or country who has shown a good effort to get the necessary certification or other evidence of immunization. (Public Health Law 2164, Regulations of the Commissioner of Health, Part 66 and Ed.L. 914)

- All schools, except in the city school districts of the cities of New York, Buffalo, and Rochester, must provide and maintain a satisfactory program of health services for all pupils, which includes employment of a school physician. (Ed.L. 901, 902 and CR 136)

- All children entering school and entering grades 1, 3, 7 and 10 must have a satisfactory health examination, either by the family physician or the school physician. uch examinations must include a test for sickle cell anemia for children residing in a city school district. In all other districts, the examining physician shall determine the need for sickle cell anemia testing.

- Schools must provide annual vision screening for all pupils in grades K-12, annual hearing screening for all pupils in grades K-7 and 10, and annual scoliosis screening for all pupils between 8 and 16 years of age. (ED.L. 905 and CR 136.3)

- Schools must provide appropriate followup of health examinations and screening tests, emergency care of ill and injured children, maintenance of cumulative health records, communicable disease control procedures, and guidance in preventive and corrective measures to parents, children, teachers and school personnel. (Ed.L. 901-910 and CR 136)

- Schools must provide physical examinations for interscholastic sports and employment certificates. (Ed.L. 903, 904 and CR 136.3)

- Upon request of the authorities of a nonpublic school, the public school district must provide resident pupils who attend that nonpublic school with the health and welfare services and facilities available to pupils in the public schools. (Ed.L. 912)

- By contract, public school districts must provide health and welfare services to resident pupils attending nonpublic schools located in other school districts when authorities of such nonpublic schools request such service. (Ed.L. 912)

L. Eye Safety Devices

- Eye safety devices shall be provided to public and private school employees, pupils, and visitors, and shall be required to be worn in shops and laboratories or whenever such persons are in dangerous proximity to a potential eye hazard. In shop or laboratory situations where hazards may develop without warning, safety devices must be worn by all persons in the area. (CR 141.10)

M. Prohibition of Corporal Punishment

- No teacher, administrator, officer, employee or agent of a school district or a board of cooperative educational services shall use corporal punishment against a pupil. (RR 19.5)

- When alternative procedures cannot be reasonably employed, reasonable force may be used to: protect oneself from physical injury; protect school property or property of others; restrain or remove a pupil whose behavior is interfering with school district functions, powers, and duties, if that pupil has refused to comply with a request to refrain from further disruptive acts. (RR 19.5)

- The trustee or trustees, board of education or board of cooperative educational services must submit a semi-annual report to the Commissioner (by January 15 and July 15) which sets forth the substance of each complaint about the use of corporal punishment during the reporting period, the results of each investigation of such complaints, and for each case the action, if any, taken by the school authorities. (RR 19.5 and CR 100.2(l))

APPENDIX A

Equivalency of Instruction in Nonpublic Schools

These guidelines are designed to promote good relationships among public and nonpublic school authorities by outlining mutually beneficial ways to fulfill responsibilities on the issue of determining equivalency in both new and established schools. They conclude with a statement on high school registration and equivalency. State law on this issue is general, leaving key determinations to local authorities to make important judgments. Some aspects of the guidelines, such as truancy, have a specific legal base. Others are suggestions of systematic and reasonable ways to accomplish a determination of equivalency should a question arise.

The board of education of the public school district in which a child resides is responsible for determining whether the child is receiving instruction substantially equivalent to that provided in the public school of that home district. The school board makes such a determination through its superintendent of schools. The home district has this responsibility even if the child is receiving instruction in a nonpublic school outside the home district. In such cases, the board of education and the superintendent may rely upon the judgment of the board of education and the superintendent of the district in which the nonpublic school is located.

I. NEW SCHOOLS

A. For those who want to open a new nonpublic school

The State Education Department recommends that any person or group planning to open a new school proceed as follows to ensure that the school's program provides equivalent instruction:

1. Notify the superintendent of schools of the public school district in which the school will be located as early as possible that a new school is being planned. Prior to the opening of the new school, its administrator might invite the superintendent of schools of the district in which the new school is located to visit the facility.

   Parents who intend to have children in the school should be notified that requests for transportation should be submitted to the superintendent of the public school district in which they reside by April 1. Requests for textbooks should also be submitted to the district of residence at the designated time in the spring.

2. The administrator of the school should be willing to provide the superintendent of schools of the district in which the school is located with the following items:

   a) a certificate of occupancy, health inspection report, or fire inspection report;

   b) a copy of the school calendar for the coming school year;

   c) a description of the grade levels and the enrollment of each of the grade levels;

   d) a list of the names of the students from the local public school district who will be attending the nonpublic school;

   e) the names of standardized tests that will be administered by the school;

   f) a list of the courses and subjects which will be taught in the school.

3. If the school enrolls students from outside the district in which this school is located, the superintendent of schools of each of the districts which have students enrolled in the school should be given:

   a) notification that the new school is going to open;

   b) names and grade levels of the students from the superintendent's district who will be attending this school;

   c) a copy of the school calendar for the coming school year.

B. For the public school superintendent

When a public school superintendent learns that a new nonpublic school will be established in his/her school district he/she should:

1. ask to visit the new school prior to its opening;

2. ask the administrator of the school for the information listed in I.A.2;

3. If the above information appears to be satisfactory, recommend to his/her board of education that the school be determined to provide "equivalency of instruction." The public school district should proceed to provide appropriate transportation, textbooks, and health services to the students of the nonpublic school.

II. SCHOOLS ESTABLISHED FOR MORE THAN ONE YEAR

Local school officials are usually familiar with established nonpublic schools in their districts; they are aware of the general character of the schools, their instructional programs, and the achievements of their pupils through test results. Such information should satisfy local school officials that these established schools offer equivalent programs of instruction, and, therefore, it is not necessary for them to make formal visits to these nonpublic schools. However, if a question about such a school does arise, the following procedure should be followed:

1. The superintendent of schools of the district in which the nonpublic school is located should inform the administrator of the nonpublic school that a question has been raised about equivalency of instruction in the school.

2. Before visiting a nonpublic school to address a question concerning the equivalency of its instruction, the superintendent of schools, in conjunction with the district superintendent, where applicable, should contact the Office of the Assistant Commissioner for Nonpublic Schools, Civil Rights and Intercultural Relations in the State Education Department to inform that office of the question.

3. The superintendent of schools should request to visit the nonpublic school at a time that is mutually agreed upon by all parties involved.

4. At the time of the visit, the superintendent should check on the information which led to the assertion of the lack of equivalency. The superintendent may review the following:

    a) curriculum outlines
    b) textbooks
    c) test results
    d) attendance rosters

5. Before a school is determined not to be equivalent, the public school authorities may wish to review the process and results with the Assistant Commissioner for Nonpublic Schools, Civil Rights, and Intercultural

Relations, State Education Department, as a check on the thoroughness and fairness of the review. The superintendent should also inform the superintendents of schools in other districts where students at the nonpublic school in question reside that equivalency of instruction is being reviewed.

6. During the period of investigation about equivalency, services to the students attending the nonpublic school should be continued. Transportation, textbook services, and health services are to continue unless and until the board of education of the local public school district determines that the program is not equivalent.

7. Prior to determination of nonequivalency, the board of education and the local superintendent of schools should meet with the officials of the nonpublic school to discuss the situation. If the problem can be remedied in a short period, the school should be required to make the appropriate changes and should be given time to do so prior to a determination of nonequivalency. If assistance is needed, the board is advised to contact the Assistant Commissioner for Nonpublic Schools, Civil Rights, and Intercultural Relations, State Education Department.

8. Once a board of education approves a resolution at a public meeting that a nonpublic school is not equivalent, the parents of the students attending that school should be notified in writing that their children will be considered truant if they continue to attend that school. The parents should be given a reasonable time in which to transfer their children to either a public school or another nonpublic school. At the end of that time, all transportation, textbooks, and health services should be withdrawn. If parents continue to enroll their children in a nonpublic school whose program has been determined to be nonequivalent, they should then be notified that petitions will be filed in Family Court by the public school district authorities to the effect that their children are truant.

III. COMPREHENSIVE ASSESSMENT REPORTS AND EQUIVALENCY

A Comprehensive Assessment Report (CAR) can be helpful in determining equivalency of instruction. Usually, a nonpublic school should be presumed to provide an equivalent of instruction if the CAR indicates it is not in the category of low-performing schools identified by the Department.

If a nonpublic school is within the category of low-performing schools, that status does not necessarily mean a lack of equivalency nor require such a determination. In such cases, school district officials may wish to review the school's overall curriculum, types of pupils enrolled in the school, pupil performance on standardized tests, and other evaluative measures. School officials also may wish to review the school improvement plan required by the Education Department.

IV. REGISTRATION AND EQUIVALENCY

The State Education Department registers high schools. If a nonpublic high school is registered by the State, the superintendent of schools and the board of education of the district need make no determination with respect to equivalency. A nonpublic high school may choose not to be registered even

though its program of instruction is equivalent to that offered in the local public high school. The fact that a high school is not registered does not in itself mean that its program of instruction is not equivalent. However, should a nonpublic school which offers high school level study choose not to be registered, the local superintendent of schools will be advised of this by the State Education Department. The superintendent and the local district must determine equivalency of instruction through local review. This would also be the case should a nonpublic school apply for registration and not meet the requirements for registration. In any case, a school district should call the Assistant Commissioner for Nonpublic Schools, Civil Rights, and Intercultural Relations in the State Education Department before contacting the nonpublic high school about determining equivalency.

APPENDIX B

PART 100

OF THE

REGULATIONS OF THE COMMISSIONER OF EDUCATION

NEW YORK STATE EDUCATION DEPARTMENT

OCTOBER 1985

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COMMISSIONER OF EDUCATION

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PART 100

ELEMENTARY AND SECONDARY EDUCATION SCHOOL PROGRAM

100.1 Definitions. As used in this Part:

(a) Unit of study means at least 180 minutes of instruction per week throughout the school year, or the equivalent.

(b) Unit of credit is earned by:

(1) the mastery of the learning outcomes set forth in a New York State developed or locally developed syllabus for a given high school subject, after a student has had the opportunity to complete a unit of study in the given subject matter area; or

(2) pursuant to section 100.5(d)(1) of this Part, a passing score of at least 85 percent or its equivalent on a department approved examination in a given high school subject without the completion of a unit of study, and the successful completion of either an oral examination or a special project.

(c) Syllabus means a document stating the expected learning outcomes, including the goals, objectives, concepts, skills and understandings in a given subject.

(d) Pupil evaluation program tests mean State tests in reading, writing or mathematics administered in grade six or below.

(e) Regents preliminary competency tests mean State tests of achievement in reading or writing administered in grade eight or nine.

(f) Regents competency tests mean State tests of achievement in reading, writing, mathematics, American history and government, global studies and science administered in grades 9 through 12.

(g) Remedial instruction means instruction using materials and techniques specifically designed to meet the individual instructional needs of those students scoring below a State reference point on a pupil evaluation program test, a Regents preliminary competency test, or a Regents competency test, and those students with basic skill deficiencies as identified by the classroom teacher and approved by the building principal. In public schools, such instruction shall be provided by a

certified teacher qualified to provide remedial instruction, as determined by the superintendent.

(h) Program evaluation tests mean assessments of the local instructional program by means of written tests administered to students and other measurement techniques.

(i) Second language means a language other than English.

(j) Second language proficiency examinations mean State tests of language skills in modern or classical languages other than English or in Native American languages.

(k) Occupational education proficiency examinations mean State tests taken by students pursuing approved sequences in occupational education subjects.

(l) Occupational education means all programs of instruction in agriculture; business, including marketing; home economics; health occupations; technical education; technology education/industrial arts; and trade education.

(m) Regents examinations mean State achievement tests based upon syllabi prescribed by the department.

(n) Occupationally related mathematics course means that course taught in accordance with State syllabus in occupationally related mathematics.

(o) Business mathematics course means that course taught in accordance with the State syllabus in business mathematics.

100.2 General school requirements.

(a) Administration of elementary and secondary schools. The board of education of each school district shall employ and assign to each school under its supervision a full time principal holding the appropriate certification as required pursuant to section 80.4(b) of this Chapter. Upon the submission of evidence that there are circumstances which do not justify the assignment of a principal to a particular school, or that another mode of building administration would be more effective, the commissioner may approve an alternative mode of building administration. Within the policy guidelines of the board of education of

the school district and under the direction of the superintendent, each principal shall provide leadership in the development of the educational program in the school to which he or she is assigned, including the supervision and administration of the school program, involvement with the selection and retention of staff, professional consultation, direction and assistance to the faculty and students of the school, and fostering effective home/school/community partnerships.

(b) State syllabi. In grades kindergarten through twelve, the use of a State syllabus, where available, is recommended for all subjects. The use of a State syllabus may be required for individual schools identified pursuant to subdivision (m)(3) of this section as being in need of assistance and shall be used to the extent specified in section 100.5(a)(7) and (8), 100.5(b)(6) and 100.5(d)(3)(ii) of this Part.

(c) Instruction in certain subjects. Pursuant to Articles 17 and 65 of the Education Law, instruction in certain subjects in elementary and secondary schools shall be provided as follows:

(1) For all students, instruction in patriotism and citizenship, as required by section 801 of the Education Law;

(2) For all students in the eighth and higher grades, instruction in the history, meaning, significance and effect of the provisions of the Constitution of the United States and the amendments thereto, the Declaration of Independence, the Constitution of the State of New York and the amendments thereto, as required by section 801 of the Education Law;

(3) For all students, health education regarding alcohol, drugs and tobacco abuse, as required by section 804 of the Education Law;

(4) For all students, instruction in highway safety and traffic regulation, as required by section 806 of the Education Law;

(5) For all students, instruction in fire drills and in fire and arson prevention, as required by sections 807 and 808 of the Education Law;

(6) For all students in grades one through eight, instruction in New York State history and civics as required by section 3204(3) of the Education Law;

(7) For public school students, instruction relating to the flag and certain legal holidays, as required by section 802 of the Education Law;

(8) For all public elementary school students, instruction in the humane treatment of animals and birds, as required by section 809 of the Education Law; and

(9) For all public school students, instruction relating to the conservation of the natural resources of the State, as required by section 810 of the Education Law.

(d) Second language requirements.

(1) Public school students first entering grade 9 in 1988 or 1989 shall have completed at least one unit of study in a second language at some time during grades kindergarten through nine. Public school students first entering grade 9 in 1990 or thereafter shall have completed at least two units of study in a second language at some time during grades kindergarten through nine. Such requirements shall be met subject to the following provisions:

(i) Such unit of study requirements in a second language may be in more than one language provided that at least one half of the required units of study shall be in a single language;

(ii) Such unit of study requirements in a second language shall be offered in segments of not less than a 1/2 unit of study per school year;

(iii) Students identified as having a handicapping condition may be exempted from the requirements set forth in this paragraph if a student's individualized education program, developed in accordance with section 200.4 of this Chapter, states that such requirements are not appropriate;

(iv) Students who transfer into the New York State public school system after beginning seventh grade shall complete the requirements set forth in this paragraph prior to graduation from high school;

(v) Students who transfer into the New York State public school system after completing ninth grade shall be exempt from the requirements set forth in this paragraph; and

(vi) A student may be exempted from such unit of study requirements in a second language by passing an approved second language proficiency examination when such an examination is available.

(2) Beginning September 1, 1988, the board of education of each public school district shall make available instruction in a language other than English in grades 8 through 12.

(3) Beginning in May, 1989, all students who pass an approved second language proficiency examination shall be awarded the first unit of credit in second language instruction, unless the student has already been awarded such first unit of credit in second language instruction as set forth in section 100.1(b) of this Part.

(e) Availability of Regents diploma and courses. Each public school district shall offer students attending its schools the opportunity to meet all the requirements for and receive a Regents high school diploma. Students shall have the opportunity to take Regents courses in grades 9 through 12 and, when appropriate, in grade 8.

(f) Use of alternative examinations. With the approval of the commissioner, tests which measure an equivalent level of knowledge and skill may be substituted for the tests specified in this Part. At least 6 months prior to the administration of such tests, the proposed test booklet, answer sheet, scoring key, directions, and all other auxiliary materials shall be provided to the commissioner for approval, and shall be accompanied by such empirical evidence of the reliability of the test scores and of the comparability of the proposed test to the corresponding State test with respect to content and difficulty as is available.

(g) Alternative testing procedures. The commissioner may approve satisfactory alternative testing procedures for all tests defined in section 100.1 of this Part under the following conditions.

(1) The use of alternative testing procedures shall be limited to:

(i) students identified by the committee on the handicapped as having a handicapping condition; and

(ii) students whose native language is other than English, except that alternative testing procedures for the Regents Competency Tests in reading and writing may be used only by students who first enter, after grade eight, schools where the predominant language of instruction is English.

(2) The alternative testing procedures employed shall be based upon a student's individual needs and the type of test administered.

(3) School districts and nonpublic schools shall report the use of alternative testing procedures to the department on a form and at a time prescribed by the commissioner.

(h) Availability of occupational education. All public school districts shall offer students the opportunity to begin an approved occupational education sequence in ninth grade. For students first entering grade 9 in 1985 and thereafter, each approved occupational education sequence shall include a minimum of one unit of credit in introduction to occupations, such instruction to be offered at any point in the sequence.

(i) Teaching staff in public schools. The number of daily periods of classroom instruction for a teacher should not exceed five. A school requiring of any teacher more than six teaching periods a day, or a daily teaching load of more than 150 pupils, should be able to justify the deviation from this policy.

(j) Guidance programs.

(1) Public schools. Each school district shall have a guidance program for all students.

(i) In grades K-6, the program shall be designed in coordination with the teaching staff to prepare students to participate effectively in their current and future educational programs, to help students who exhibit any attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement.

(ii) In grades 7-12, the guidance program shall include the following activities or services:

(a) an annual review of each student's educational progress and career plans, with such reviews to be conducted with each student individually or with small groups by personnel certified or licensed as school counselors;

(b) instruction at each grade level to help students learn about various careers and about career planning skills conducted by personnel certified or licensed as school counselors, or by

classroom teachers in cooperation with school counselors;

(c) other advisory and individual or group counseling assistance to enable students to benefit from the curriculum, to help students develop and implement postsecondary education and career plans, to help students who exhibit any attendance, academic, behavioral, or adjustment problems and to encourage parental involvement, provided that advisory assistance shall be provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers, and that such individual or group counseling assistance shall be provided by certified or licensed school counselors, or by certified or licensed school psychologists or certified or licensed school social workers in cooperation with school counselors; and

(d) the services of personnel certified or licensed as school counselors.

(iii) Each school district shall develop a district plan which sets forth the manner in which the district shall comply with the requirements of this subdivision. The City School District of the City of New York shall submit a separate plan for each community school district, for the High School Division and for the Special Education Division. Such plan shall be filed in the district offices and shall be available for review by any individual. The plan shall present program objectives, which describe expectations of what students will learn from the program; activities to accomplish the objectives; specification of staff members and other resources assigned to accomplish the objectives; and provisions for the annual assessment of program results. The plan shall be reviewed annually by the school districts, and revisions shall be made as necessary.

(2) Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.

(k) Nondiscrimination in curricular and extracurricular activities. No student shall be denied membership or participation, on the basis of race, sex, marital status, color, religion, national origin, or disability, in any program or activity which is included in a school program of curricular or extracurricular activities, provided that:

(1) in the case of students with handicapping conditions, such activity shall be appropriate to a student's special educational needs as identified by the committee on the handicapped;

(2) male and female participation in extraclass athletic activities shall be in accordance with the provisions set forth in section 135.4(c)(7) of this Chapter;

(3) a nonpublic school may limit admission to such school to students of a single sex and/or of a single religion or denomination; and

(4) a nonpublic school controlled by or affiliated with a religious organization may separate students on the basis of sex to the extent that such separation is required by the religious tenets of such organization.

(l) School conduct and discipline.

(1) On or before January 1, 1986, each school district shall adopt and implement a written policy on school conduct and discipline designed to promote responsible student behavior. The City School District of the City of New York shall adopt and implement a separate written policy for each community school district and for Central Board administered programs. Such a policy shall be developed locally in consultation with teachers, administrators, other school service professionals, students and parents, and shall include:

(i) a bill of rights and responsibilities of students which focuses upon positive student behavior, and which shall be publicized and explained to all students on an annual basis;

(ii) a discipline code for student behavior setting forth prohibited student conduct and the range of penalties which may be imposed for violation of such code, which shall be publicized and explained to all students and provided in writing to all parents on an annual basis. Such code shall describe the roles of teachers, administrators, board of education members, and parents;

(iii) strategies and procedures for the maintenance and enforcement of public order on school property which shall govern the conduct of all persons on school premises, in accordance with section 2801 of the Education Law and accepted principles of due process of law;

(iv) procedures within each building to involve pupil service personnel, administrators, teachers, parents and students in the early identification and resolution of discipline problems. For students identified as having handicapping conditions, such policy shall include procedures for determining when a student's conduct shall constitute a reason for referral to the committee on the handicapped for review and modification, if appropriate, of the student's individualized education program;

(v) alternative educational programs appropriate to individual student needs;

(vi) disciplinary measures for violation of the school policies developed in accordance with subparagraphs (ii) and (iii) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with section 3214 of the Education Law; and

(vii) guidelines and programs for in-service education programs for all district staff members to ensure effective implementation of school policy on school conduct and discipline.

(2) The board of education shall adopt such a policy, review it on an annual basis and amend it when appropriate. Each school district's policy on school conduct and discipline shall be filed in each school building, and shall be available for review by any individual.

(3) Corporal punishment. (Attached is a copy of the Amendment to the Rules of the Board of Regents prohibiting corporal punishment.)

(i) The term corporal punishment, as used in this section, shall mean any act of physical force upon a pupil for the purpose of punishing that pupil. Such term, as used in this section, shall not mean the use of reasonable physical force for any of the following purposes:

(a) to protect oneself from physical injury;

(b) to protect another pupil or teacher or any other person from physical injury;

(c) to protect the property of the school or of others; or

(d) to restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers or duties, if that pupil has refused to comply with a request to refrain from further disruptive acts;

provided that alternative procedures and methods not involving the use of physical force cannot reasonably be employed to achieve the purposes set forth in clasues (a) through (d) of this subparagraph.

(ii) In every school district and supervisory district, the trustee, trustees, board of education or board of cooperative educational services shall submit a written semi-annual report to the Commissioner of Education, by January 15 and July 15 of each year, commencing July 1, 1985, setting forth the substance of each complaint about the use of corporal punishment received by the local school authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

(m) Comprehensive assessment report. By October 31 of each year, the State Education Department will submit to each school district and to each nonpublic school State test results for their respective comprehensive assessment reports. On or before December 15 of each year, the superintendent of each school district shall submit the comprehensive assessment report to the board of education of such district at a public meeting.

(1) The comprehensive assessment report for each school district and nonpublic school will include the following information, for each school building and each school district, for the three school years immediately preceding the school year in which the report is issued:

(i) Student test data on all pupil evaluation program tests, all Regents preliminary competency tests, all Regents competency tests, all program evaluation tests, all Regents examinations, all occupational education proficiency examinations and all second language proficiency examinations as defined in this Part;

(ii) Student enrollment by grade;

(iii) Student dropout and attendance rates for public schools;

(iv) Number of students transferred into the alternative high school equivalency preparation program as set forth in section 100.7(e) of this Part;

(v) Data, as required by the commissioner, on diplomas and certificates awarded;

(vi) Any additional information prescribed by the commissioner on educational equity and other issues; and

(vii) Any additional information which the superintendent of the school district or the chief administrative officer of the nonpublic school believes will reflect the relative assessment of a school building or district.

(2) Each board of education through the superintendent and in cooperation with the professional staff, and for nonpublic schools, the chief administrative officer of the school, shall initiate measures designed to improve results related to their respective comprehensive assessment reports.

(3) On or before October 31 of each year, the commissioner shall identify the school buildings most in need of assistance based on the items set forth in paragraph (1) of this subdivision. A comprehensive school improvement plan shall be developed for each such school building pursuant to suparagraph (i) of this paragraph, and shall address the areas in which the school has been determined to be in need of assistance.

(i) The comprehensive school improvement plan shall be developed in consultation with teachers, administrators, other school service professionals, students and parents, and shall be:

(a) in a format prescribed by the commissioner, including any changes in a school's program or procedures required by the commissioner;

(b) developed in cooperation with department staff or other persons assigned to assist the school in the development of the comprehensive school improvement program;

(c) approved by the board of education of the school district, or for nonpublic schools, the chief administrative officer of the school; and

(d) submitted to the department no later than April 30 of the school year in which the commissioner required such a plan.

(ii) The comprehensive school improvement plan shall be implemented no later than the September following the close of the school year in which the plan was approved by the commissioner.

(iii) The department may periodically monitor the implementation of the comprehensive school improvement plan.

(n) Variances for programs and special focus schools. Except as otherwise provided for State test or examination requirements pursuant to section 100.2(f) of this Part, the commissioner may grant variances from the provisions of this Part, upon a finding that a variance will enable a school to implement a program designed to provide excellence in education. A school or school district shall submit an application for a variance in the form prescribed by the commissioner at least six months in advance of the proposed starting date of the program. Such application shall set forth:

(1) The specific regulation(s) from which a variance is requested;

(2) the need for such variance;

(3) a detailed description of the program or activities which will be substituted for the requirement for which the variance is requested;

(4) the expected time needed to carry out the substitute program or activities;

(5) a plan for evaluating the substitute program or activities;

(6) the school or school district's agreement to submit a follow-up report to the commissioner within six months after conclusion of the substitute program or activities, and within one month after the end of each school year in the case of ongoing substitute programs or activities; and

(7) in lieu of the requirements set forth in paragraphs (2) through (6) of this subdivision, a statement, and supporting evidence, concerning the school's status of

accreditation by a statewide or regional accrediting body recognized by the commissioner.

(o) Annual professional performance review. The governing body of each school district and board of cooperative educational services shall ensure that the performance of all professional personnel, except evening school teachers of nonacademic, avocational subjects, will be reviewed annually.

(1) Each superintendent, in consultation with teachers, administrators and other school service professionals, selected by the superintendent with the advice of their respective peers, shall develop formal procedures for the review of the performance of all such personnel in the district. Such procedures shall be approved by the governing body of the district, filed in the district office, and available for review by any individual no later than August 1 of each year. Formal procedures for the review of the performance of all such personnel shall include:

(i) criteria by which all such personnel shall be reviewed and a description of the review procedures;

(ii) a description of review activities, including:

(a) the minimum number of observations;

(b) the frequency of observation; and

(c) provisions for a follow-up meeting for the reviewer to commend strengths of performance and discuss the need for improvement, if necessary, with the staff person being reviewed;

(iii) methods used to record review results; and

(iv) procedures used to:

(a) ensure that all such personnel are acquainted with the performance review procedures; and

(b) ensure that each individual who is reviewed in accordance with the provisions of this subdivision has the opportunity to provide written comment on his or her performance review.

(2) The board of education shall annually review the performance of the superintendent of schools according to procedures developed by such board in consultation with the superintendent. Such procedures shall be filed in the district office, and available for review by any individual

no later than August 1 of each year.

(p) Registration of high schools. Only those public and nonpublic high schools which are registered by the Board of Regents, upon the recommendation of the commissioner, may issue diplomas and administer Regents examinations.

(1) No new public high school will be recommended for registration by the commissioner, unless it has an enrollment of more than 700 students in the upper six years or more than 500 students in the upper four years, except where it can be demonstrated to the satisfaction of the commissioner that denisty of population, transportation distances or other factors indicate that the registration of a school with less enrollment is essential to the educational welfare of the students.

(2) No new public high school will be recommended for registration by the commissioner, if, in his judgment, the establishment of such school would conflict with an approved plan for district reorganization, except where it can be established to the satisfaction of the commissioner that such school is essential to the educational welfare of the students.

(q) High school sequences. In the course of their high school program, all public school students shall have access to at least one 3 unit sequence in each of the following areas: mathematics, science, occupational education subjects, second language, art and music.

(r) Transfer students.

(1) In addition to the requirements set forth in sections 100.3(b), 100.4(d) and (e), and 117.3 of this Subchapter, students entering the New York State school system for the first time, or reentering the New York state school system with no available records, shall be screened to determine the need for remedial instruction. The principal shall determine each such student's need for remedial instruction by administering a State developed or approved examination or by reviewing appropriate nationally standardized test results in such student's transcript, where available. Such students shall be screened as follows:

(i) Students entering grades 4,5,7 or 8 shall be screened to determine the need for remedial instruction in reading and mathematics.

(ii) Students entering grades 6, 7, or 8 shall be screened to determine the need for remedial instruction in writing.

(2) Students who score below a point designated by the commissioner on any screening test shall be provided appropriate remedial instruction designed to enable them to score above the State reference point on the appropriate preliminary competency tests or pass the appropriate Regents competency tests.

(3) A student who shall be provided remedial instruction, and the parent or guardian of such student, shall be notified in writing, by the principal, of the test results and the plan for remedial instruction. Such remedial instruction shall begin no later than commencement of the school semester immediately following the semester in which the test was administered.

(s) Students with handicapping conditions.

(1) Each student with a handicapping condition, as such term is defined in section 200.1(cc) of this Chapter, shall have access to the full range of programs and services set forth in this Part to the extent that such programs and services are appropriate to such student's special educational needs.

(2) Instructional techniques and materials used by schools shall be modified to the extent appropriate to provide the opportunity for students with handicapping conditions to meet diploma requirements. At each annual review of a student's individualized education program, the committee on the handicapped shall consider the appropriateness of such modifications.

100.3 Program requirements for students in grades pre-kindergarten through six.

(a) Pre-kindergarten and kindergarten programs in public schools and in voluntarily registered nonpublic schools.

(1) Each such school operating a pre-kindergarten or kindergarten program shall establish and provide an educational program based on and adapted to the ages, interests and needs of the children. Learning activities in such programs shall include:

(i) development of communication skills and exposure to literature;

(ii) dramatic play, creative art and music activities;

(iii) participation in group projects, discussion and games;

(iv) science and mathematical experiences;

(v) large muscle activities in pre-kindergarten, and instruction in physical education pursuant to section 135.4(c)(2)(i) of this Chapter in kindergarten; and

(vi) instruction in health education for students in kindergarten pursuant to section 135.3(b) of this Chapter.

(2) Each such school operating a pre-kindergarten or kindergarten program shall develop procedures to actively involve each child's parents or guardians in such programs.

(b) Program requirements in grades one through six.

(1) Required subjects. During grades one through six, all students shall receive instruction in arithmetic, reading, spelling, writing, the English language, geography, United States history, science, health education, music, visual arts, physical education and, where student need is established, bilingual education and/or English as a second language.

(i) Instruction in health education shall be pursuant to section 135.3(b) of this Chapter.

(ii) Instruction in physical education shall be pursuant to Section 135.4(c)(2)(i) of this Chapter.

(2) Required academic tests. At the specified grade level, all students shall take the following tests, provided that alternative testing procedures may be used as provided for in section 100.2(g) of this Part:

(i) The pupil evaluation program tests in reading and mathematics in the third grade;

(ii) The pupil evaluation program test in writing in the fifth grade;

(iii) The pupil evaluation program tests in reading and mathematics, in the sixth grade;

(iv) The program evaluation test in social studies by the end of the sixth grade, beginning in May 1987; and

(v) The program evaluation test in science by the end of the sixth grade, beginning in May 1989.

(3) Remedial instruction. Students who score below the designated state reference point on a third grade pupil evaluation program test shall be provided appropriate remedial instruction designed to enable them to score above the state reference point on the corresponding sixth grade pupil evaluation program test. Students who score below the designated state reference point on a fifth grade or sixth grade pupil evaluation program test shall be provided appropriate remedial instruction designed to enable them to score above the state reference point on a corresponding preliminary competency test or pass the Regents competency test in mathematics. The parent or guardian of a student who is to be provided remedial instruction shall be notified in writing, by the principal, of the pupil evaluation program test results and the plan for remedial instruction, which shall begin no later than the commencement of the school semester after which the test is given.

100.4 Program requirements for students in grades seven and eight.

(a) Definitions.

(1) Technology education means a program of instruction designed to develop an understanding of systems in fields such as production, transportation, construction, communications and agriculture by emphasizing applied activities through working with tools, machines and devices used in the home and the workplace.

(2) Home and career skills means a program of instruction primarily through applied activities designed to prepare students to meet their responsibilities and understand their opportunities as parents or other members of families, consumers, home managers and wage earners.

(b) Course requirements in grades 7 and 8.

(1) Students completing grade 8 by June 1986 shall receive instruction in English, social studies, science, mathematics, physical education, health education, visual arts,

music and practical arts.

(2) Except as otherwise provided herein, students completing grade 8 in June 1987 or thereafter shall have completed, by the end of grade 8, the following required instruction or its equivalent:

(i) English, 2 units of study;

(ii) Social studies, 2 units of study;

(iii) Science, 2 units of study;

(iv) Mathematics, 2 units of study;

(v) For students completing grade 8 in June 1988 or thereafter, technology education, 1 unit of study;

(vi) For students completing grade 8 in June 1988 or thereafter, home and career skills, 3/4 of a unit of study;

(vii) Physical education, as required by section 135.4 (c)(2)(ii) of this Chapter;

(viii) Health education, 1/2 unit of study, as required by section 135.3(c) of this Chapter;

(ix) Art, 1/2 unit of study;

(x) Music, 1/2 unit of study, and

(xi) For students completing grade 8 in June 1988 or thereafter, library and information skills, the equivalent of one period per week in grades 7 and 8.

(3) The requirements for technology education, home and career skills and library and information skills may be met by the integration of the learning outcomes of such subjects into other courses in accordance with the following criteria:

(i) In public schools, the unit of study requirements specified in paragraph (2)(v),(vi) and/or (xi) of this subdivision are met;

(ii) In public schools, the subjects of technology education and home and career skills shall be taught by persons certified to teach those subjects;

(iii) In public schools, library and information skills

shall be taught by library media specialists and classroom teachers to ensure coordination and integration of library instruction with classroom instruction; and

(iv) In nonpublic schools, the unit of study requirements specified in paragraph (2)(v), (vi) and/or (xi) of this subdivision may be met, or their equivalents may be met by the incorporation of the learning outcomes of such subjects into the syllabi for other courses and/or by appropriate results on examinations which demonstrate student mastery of the learning outcomes of such subjects. The chief administrative officer of a nonpublic school shall document the manner in which such nonpublic school has implemented the provisions of this subparagraph. Such documentation shall be in writing and available for review upon request by the commissioner.

(4) The unit of study requirements for technology education and/or home and career skills included in paragraph (2) of this subdivision may be initiated in grade six, provided that in public schools such subjects shall be taught by teachers certified in those areas.

(5) Students who score below the designated State reference point on any Regents preliminary competency test, specified in subdivision (d)(1) of this section, or on any 5th or 6th grade pupil evaluation program test specified in section 100.3(b)(2)(ii) or (iii) of this Part may have the unit of study requirements for one or more of their subjects reduced, provided that:

(i) remedial instruction shall be coordinated with and supplement regular classroom instruction;

(ii) requirements for subjects set forth in paragraph (2) of this subdivision and for second language instruction set forth in section 100.2(d) of this Part may be reduced but not eliminated. A principal shall consider a student's abilities, skills and interests in determining the subjects for which the unit of study requirements may be reduced;

(iii) a student's parent or guardian shall be notified in writing, by the principal of a school's intention to implement the provisions of this paragraph; and
(iv) the exemption shall remain in effect only to the extent that the provisions of subparagraph (i) of this paragraph are being met.

(6) A student may meet the required 1/2 unit of study

in music specified in paragraph (2)(x) of this subdivision by participation in a school's band, chorus or orchestra provided that such participation is consistent with the goals and objectives of the school's music program for grades 7 and 8.

(7) The 1/2 unit of study requirement for health education specified in paragraph (2)(viii) of this subdivision may be provided in grade 6, provided that in public schools such subject shall be taught by teachers certified in health education.

(c) Grade 8 acceleration.

(1) No later than September 1986, public school students in grade 8 shall have the opportunity to take high school courses in at least 5 of the following areas: English, social studies, second languages, art, music, occupational education subjects, Regents mathematics courses, Regents science courses. Such opportunity shall be provided subject to the following conditions:

(i) The superintendent, or his or her designee, shall determine whether a student has demonstrated readiness in each subject in which he or she is to begin high school courses in the eighth grade leading either to a local or Regents diploma; and

(ii) A student shall be awarded high school credit for such courses only if such student passes one of the following:

(a) For credit towards a Regents diploma, a Regents examination, or an occupational education proficiency examination, or, if no such examinations are available, a locally developed examination which establishes student performance at a high school level as determined by the principal; or

(b) For credit towards a local diploma, a locally developed examination which establishes student performance at a high school level as determined by the principal or, for an occupational education subject, the appropriate occupational education proficiency examination, when available.

(2) Courses taken pursuant to this subdivision may be substituted for the appropriate requirements set forth in subdivision (b) of this section.

(d) Required tests.

(1) At the specified grade level, all students shall take the following tests:

(i) The Regents preliminary competency test in reading administered in grade 8 or 9, provided that students who in grade 6, obtained scores at or above the state median on the pupil evaluation program reading test, or at or above nationwide median on a nationally standardized basic skills reading test administered in grade 7, 8 or 9, need not take such test;

(ii) The Regents preliminary competency test in writing administered in grade 8 or 9, provided that students who, in grade 5, obtained scores at or above the state median on the pupil evaluation program writing test, or at or above the nationwide median on a nationally standardized writing test administered in grades 6, 7, 8 or 9, need not take such test; and

(iii) The program evaluation test in social studies in grade 8, beginning in May, 1989.

(e) Remedial instruction.

(1) Students who score below the designated state reference point on one or more of the Regents preliminary competency tests shall be provided appropriate remedial instruction designed to enable them to pass the Regents competency tests specified in section 100.5(a)(4) by the time they are otherwise qualified to graduate.

(2) A student who shall be provided remedial instruction, and the parent or guardian of such student, shall be notified in writing, by the principal, of the test results and the plan for remedial instruction. Such remedial instruction shall begin no later than the commencement of the school semester immediately following the semester in which the test was administered.

100.5 Diploma requirements.

(a) General requirements for a Regents or a local high school diploma.

(1) Students first entering grade 9 in 1982, 1983 or 1984 shall earn at least 16 units of credit or their equivalent, as determined by the commissioner, to receive a local high school diploma and 18 units of credit or their equivalent,

as determined by the commissioner, to receive a Regents high school diploma. Such units of credit shall include:

(i) English, 4 units;

(ii) social studies, including a year of American history, 3 units;

(iii) mathematics, 1 unit, provided that students first entering grade 9 in 1984 shall earn at least 2 units of credit in mathematics as set forth in paragraph (7) of this subdivision;

(iv) science, 1 unit, provided that students first entering grade 9 in 1984 shall earn at least 2 units of credit in science as set forth in paragraph (8) of this subdivision; and

(v) health, 1/2 unit.

(2) Students first entering grade 9 in 1985 and thereafter shall have earned at least 18 1/2 units of credit or their equivalent, as determined by the commissioner, in order to receive either a Regents or local high school diploma. Such units of credit shall include:

(i) English, 4 units of credit;

(ii) social studies, 4 units of credit as set forth in paragraph (6) of this subdivision;

(iii) science, 2 units of credit as set forth in paragraph (8) of this subdivision;

(iv) mathematics, 2 units of credit as set forth in paragraph (7) of this subdivision;

(v) art and/or music, 1 unit of credit; and

(vi) health education, 1/2 unit of credit in accordance with the requirements set forth in section 135.3(c) of this Chapter.

(3) All students shall have earned the equivalent of 2 units of credit in physical education in accordance with the requirements set forth in section 135.4(c)(2)(ii) of this Chapter. Such units of credit shall not count towards the required units of credit set forth in paragraphs (1) and (2) of this subdivision. A student who has completed the diploma requirements as set forth in paragraphs (1) or (2) of this subdivision in fewer than 8 semesters, and who is otherwise eligible to receive a diploma, shall not

be required to continue enrollment in high school for the sole purpose of completing the physical education requirements as set forth in this paragraph,if the school, upon request of the student's parent or guardian, wishes to grant such student a high school diploma prior to the completion of his or her eighth semester.

(4) Regents competency testing program.

(i) Except as otherwise provided in subparagraph (ii) of this paragraph, all students shall demonstrate competency in the basic skills:

(a) by passing either the Regents Competency Test in Reading and the Regents Competency Test in Writing, or the Regents Comprehensive Examination in English; and

(b) by passing either the Regents Competency Test in Mathematics, or a Regents examination in mathematics or business mathematics;

(c) for students first entering grade 9 in 1985 and thereafter, and taking four or more years to complete the diploma requirements, by passing either the Regents Competency Test in American history and government, or the Regents examination in American history and government;

(d) for students first entering grade 9 in 1987 and thereafter, and taking four or more years to complete the diploma requirements, by passing either the Regents Competency Test in science or a Regents examination in science; and

(e) for students first entering grade 9 in 1987 and thereafter, and taking four or more years to complete the diploma requirements, by passing either the Regents Competency Test in global studies or the Regents examination in global studies.

(ii) A student who has not passed the examinations set forth in subparagraph (i) of this paragraph because of extraordinary administrative circumstances not caused by the willful act of the student or of a teacher or administrator may demonstrate competency in academic skills comparable to that required by subparagraph (i) of this paragraph through alternative tests approved by the commissioner. Each school district or nonpublic school shall apply to the department in a format prescribed by the commissioner for permission to

use such tests.

(iii) Remedial instruction. All students who fail the Regents competency tests in reading, writing, mathematics, American history and government, science or global studies shall be provided appropriate remedial instruction designed to enable them to pass such tests by the time they are otherwise qualified to graduate. A student who shall be provided remedial instruction, and the parent or guardian of such student, shall be notified in writing, by the principal, of the test results and the plan for remedial instruction. Such remedial instruction shall begin no later than the commencement of the school semester immediately following the semester in which the test was administered.

(5) Transfer students.

(i) The principal shall evaluate the transcripts of all students entering a New York State high school, for the first time, after the beginning of grade 9. Based on a student's past academic record as indicated in the student's transcript, the principal shall award such student the appropriate units of credit towards a local high school diploma.

(ii) Each such transfer student shall meet the requirements of the Regents competency testing program as set forth in paragraph (4) of this subdivision provided that the principal shall review the transcript of each student first entering a New York State high school in grade 11 or 12 to determine the need for the student to meet the Regents competency test requirements. The principal may exempt such student from these requirements for those tests ordinarily taken and passed before the date of the student's entry.

(iii) A student transferring between high schools in grade 11 or 12 may be exempt from the second language requirements for a Regents diploma, as set forth in paragraphs (3) and (5)(ii)(b) of subdivision (b) of this section, if the language in which the student began a second language sequence in grade 9 or 10 is not offered in the school to which the student has transferred. In such cases, the student shall complete 3 units of credit in second languages but not necessarily in a single language.

(6) All students first entering grade 9 in 1985 and thereafter and taking four or more years to complete the

diploma requirements, shall earn 4 units of credit in social studies in accordance with the following:

(i) Such requirement shall include 1 unit of credit in American history;

(ii) Such requirement shall include 1/2 unit of credit in participation in government and 1/2 unit of credit in economics; and

(iii) A student shall be exempted from the provisions of subparagraph (ii) of this paragraph to the extent that such student demonstrates, through department approved examinations or such other means as may be required by the commissioner, an acceptable level of knowledge of participation in government and/or economics, in which case the required fourth unit of credit in social studies shall be met through appropriate electives.

(7) All students first entering grade 9 in 1984 and thereafter and taking four or more years to complete the diploma requirements, shall earn 2 units of credit in mathematics in accordance with the following criteria:

(i) The second unit of credit in mathematics shall deepen the understanding or broaden the application of a student's mathematical concepts beyond the general high school mathematics program and in accordance with criteria established by the commissioner; and

(ii) The second unit of credit in mathematics shall be taken after a student passes the Regents competency test in mathematics, or a Regents examination in mathematics or business mathematics. Students failing to pass such a test or examination may take the second unit of credit in mathematics provided that the syllabus for such unit of credit is a State or local syllabus approved by the commissioner. All such syllabi shall meet the criteria for a second unit of credit as set forth in subparagraph (i) of this paragraph. In addition, such second unit of credit in mathematics shall be awarded when the student successfully completes the course work for such unit of credit, and passes the Regents competency test in mathematics or a Regents examination in mathematics or business mathematics.

(8) All students first entering grade 9 in 1984 and thereafter and taking four or more years to complete the diploma requirements, shall earn 2 units of credit in science in accordance with the following criteria:

(i) The second unit of credit in science shall deepen the understanding or broaden a student's application of life, physical and/or earth sciences beyond the level in the State science syllabi for grades 7, 8 and 9 and in accordance with criteria established by the commissioner; and

(ii) For students first entering grade 9 in 1987, and thereafter, and taking four or more years to complete the diploma requirements, the second unit of credit in science shall be taken after a student passes either the Regents competency test in science or a Regents examination in science. Students failing to pass such a test or examination may take the second unit of credit in science provided that the syllabus for such unit of credit is a State or local syllabus approved by the commissioner. All such syllabi shall meet the criteria for a second unit of credit as set forth in subparagraph (i) of this paragraph. In addition, such second unit of credit in science shall be awarded when the student successfully completes the course work for such unit of credit, and passes the Regents competency test in science or a Regents examination in science.

(b) Additional requirements for the Regents diploma.

(1) In order to obtain a Regents diploma, students first entering grade 9 in 1982, 1983 and 1984 shall successfully complete a sequence of 3 units of credit in one of the following areas: science, mathematics, a second language, music, art or occupational education subjects. Such units of credit shall be included in the eighteen units of credit required pursuant to paragraph (1) of subdivision (a) of this section.

(2) In order to obtain a Regents diploma, students first entering grade 9 in 1985 and thereafter, and taking four or more years to complete the diploma requirements, shall successfully complete:

(i) either:

(a) a sequence of 3 units of credit in each of 2 occupational education subjects, or in each of 2 second languages, or in each of 2 of the following areas: mathematics, science, a second language, occupational education, art or music; or

(b) a sequence of 3 units of credit in mathematics, science, a second language, an occupational education subject, art or music, and a sequence of 5 units of credit in either English or social studies; or

(c) a sequence of 5 units of credit in mathematics, science, a second language, an occupational education subject, art or music, provided that a student selecting a sequence of 5 units of credit in a second language may use such sequence to meet the requirements set forth in subparagraph (ii) of this paragraph; and

(ii) a sequence of 3 units of credit in a second language, provided that:

(a) for students first entering grade 9 in 1985, 1986 or 1987 and taking four or more years to complete the diploma requirements, who take a sequence of not less than five units of credit in occupational education subjects, art or music, the 3 unit sequence required by this subparagraph may be in a second language or in any other subject area; and

(b) a student identified as having a handicapping condition may be excused from the second language requirement set forth in this subparagraph if such student's individualized education program indicates that such requirement is not appropriate to the student's special educational needs.

(3) Any 3 or 5 units of credit sequence in a second language shall consist of courses in a single language.

(4) Units of credit received by a student pursuant to paragraph (2) of this subdivision shall be included in the 18 1/2 units of credit required pursuant to paragraph (2) of subdivision (a) of this section, provided that a sequence in occupational education may be applied toward a Regents diploma only if such sequence has been approved by the department.

(5) In order to obtain a Regents diploma, a student shall pass the required Regents examinations as follows:

(i) For students first entering grade 9 in 1982, 1983, and 1984:

(a) the Regents comprehensive examination in English;

(b) the Regents comprehensive examination in social studies; and

(c) the Regents examination, or their equivalents, in the courses comprising the student's required sequence.

(ii) For students first entering grade 9 in 1985 and thereafter, and taking four or more years to complete the diploma requirements:

(a) the Regents comprehensive examination in English;

(b) the Regents comprehensive examination in a second language;

(c) the Regents examination in American history and government;

(d) Regents examinations for the courses in mathematics required pursuant to subparagraph (iv) of paragraph (2) and paragraph (7) of subdivision (a) of this section;

(e) Regents examinations for the courses in science required pursuant to subparagraph (iii) of paragraph (2) and paragraph (8) of subdivision (a) of this section; and

(f) Regents examinations, as required by the commissioner, for the courses in any sequence followed pursuant to paragraph (2) of this subdivision.

(iii) For students first entering grade 9 in 1987 and thereafter, and taking four or more years to complete the diploma requirements:

(a) the Regents examination in global studies; and

(b) occupational education proficiency examinations, as defined in section 100.1(k) of this Part, for any occupational education sequence for which such tests are available.

(6) For students first entering grade 9 in 1985 and thereafter, and taking four or more years to complete the diploma requirements, a unit of credit towards a Regents diploma, in

courses where no Regents or State test exists, other than courses in mathematics or science, shall be awarded only if:

(i) the unit of study is taught in accordance with a State syllabus approved by the department for use in a Regents level course; or

(ii) if no State syllabus for the course is available, the unit of study is taught in accordance with a locally developed syllabus approved by the department for use in a Regents level course.

(c) Additional requirements for the local diploma.

(1) In order to obtain a local diploma, students first entering grade 9 in 1982, 1983, or 1984 shall successfully complete a sequence of 3 units of credit in one of the following areas: science, mathematics, a second language, music, art or occupational education subjects. Such units of credit shall be included in the 16 units of credit required pursuant to paragraph (1) of subdivision (a) of this section.

(2) In order to obtain a local diploma, students first entering grade 9 in 1985 and thereafter, and taking four or more years to complete the diploma requirements, shall successfully complete:

(i) a sequence of 3 units of credit in each of 2 occupational education subjects, or in each of 2 second languages, or in each of 2 of the following areas: mathematics, science, a second language, occupational education, art or music; or

(ii) a sequence of 3 units of credit in mathematics, science, a second language, an occupational education subject, art or music, and a sequence of 5 units of credit in either English or social studies; or

(iii) a sequence of 5 units of credit in mathematics, science, a second language, an occupational education subject, art or music.

(3) Any 3 or 5 units of credit sequence in a second language shall consist of courses in a single language.

(4) Units of credit received by a student pursuant to paragraph (2) of this subdivision shall be included in the 18 1/2 units of credit required pursuant to paragraph (2) of subdivision (a) of this section, provided that a sequence in occupational education may be applied towards

a local diploma if such sequence has been approved by the department.

(5) In order to obtain a local diploma, students first entering grade 9 in 1987 and thereafter, and taking four or more years to complete the diploma requirements, and taking an approved occupational education sequence, shall pass the appropriate occupational education proficiency examinations, where available, as defined in section 100.1(k) of this Part.

(d) Alternatives to specific Regents and local diploma requirements.

(1) A student may earn a maximum of 6 1/2 units of credit for either a Regents or local diploma without completing units of study for such units of credit if:

(i) based on the student's past academic performance, the superintendent of a school district or the chief administrative officer of a nonpublic school, or his or her designee, determines that the student will benefit academically by exercising this alternative;

(ii) the student achieves a score of at least 85 percent, or its equivalent as determined by the commissioner, on a State-developed or State-approved examination;

(iii) the student passes an oral examination or successfully completes a special project to demonstrate proficiency, as determined by the principal, in the subject matter area; and

(iv) the student attends school, or received substantially equivalent instruction elsewhere, in accordance with section 3204(2) of the Education Law, until the age of sixteen pursuant to sections 3204 and 3205 of the Education Law.

(2) Art and/or music.

(i) A student may obtain the unit of credit in art and/or music required pursuant to subparagraph (v) of paragraph (2) of subdivision (a) of this section in the following manner:

(a) by participating in a school's major performing organization such as band, chorus, orchestra, dance group or theatre group; or

(b) by participating, only in exceptional situations, in an advanced out-of-school art or music activity. Credit for such participation shall be upon recommendation by the student's art or music teacher, shall be approved by the art or music department chairperson, if there is one, and by the school principal, and shall be consistent with the goals and objectives of the school's art and/or music program.

(ii) A student may receive a unit of credit for participation in such activities if such participation is equivalent to a unit of study, or a student may receive one half unit of credit for such activity equivalent to one half unit of study.

(3) Occupationally related mathematics and science.

(i) Regents diploma. Students first entering grade 9 in 1984 and thereafter and taking an approved sequence in occupational education may use 1 unit of credit earned in an occupationally related science course, a Regents science or a Regents mathematics course both towards meeting the science or mathematics requirement for a Regents diploma and towards an approved sequence in occupational education, only if such courses are approved by the commissioner for such purpose. For occupationally related science courses, such approval shall be granted only upon the submission of evidence that such courses are equivalent to Regents courses in science. However, the unit of credit earned for such a course shall count as only one unit of credit towards the 18 1/2 units of credit required for a Regents diploma.

(ii) Local diploma. Students first entering grade 9 in 1984 and thereafter and taking an approved sequence in occupational education may use 1 unit of credit earned in the occupationally related mathematics course or the business mathematics course, and/or 1 unit of credit earned in the occupationally related science course towards meeting the mathematics and/or science requirements or sequence requirements in mathematics or science for a local diploma, provided that such courses shall be taught in accordance with the appropriate State syllabi.

(4) Scores obtained on appropriate examinations of the College Entrance Examination Board and the American College Testing Program, as designated by the commissioner, may be used in lieu of the corresponding Regents examination requirements for a Regents high school diploma, required

pursuant to subdivisions (a)(1) and (2) and (b) of this section, and to satisfy the requirements of the Regents competency testing program set forth in paragraph (4) of subdivision (a) of this section.

100.6 Local certificates.

A school district or the principal of a nonpublic school may award a certificate to a student with a handicapping condition as defined in section 200.1(cc) of this Chapter in accordance with the following provisions:

(a) Prior to awarding such a certificate, the governing body of a school district or nonpublic school shall adopt written policies and procedures ensuring that students with handicapping conditions are provided appropriate opportunities to earn a high school diploma in accordance with the provisions of section 100.5 of this Part.

(b) A student with a handicapping condition may be awarded a local certificate provided that:

(1) such student has achieved the educational goals specified in such student's individualized education program in effect during the school year in which such a certificate is awarded; and,

(2) unless identified as meeting all the criteria of section 200.1(cc)(4) of this Chapter, such student has attended school for at least 13 years, excluding kindergarten, or has received a substantially equivalent education in accordance with section 3204(2) of the Education Law for such period of time.

(c) Each such certificate shall be accompanied by a written statement of assurance that the student named as its recipient shall continue to be eligible to attend the public schools of the school district in which the student resides until the student has earned a high school diploma or until the end of the school year of such student's 21st birthday, whichever is earlier.

(d) Each superintendent of a school district or principal of a nonpublic school shall report to the State Education Department, within 15 days after the June graduation, the total number and the names of the students awarded certificates by each high school in that school year. A copy of the school district's or nonpublic school's policies and procedures adopted pursuant

to subdivision (a) of this section shall be on file in the district office and available for review by the commissioner.

(e) No other certificates shall be awarded except for certificates recognizing achievement beyond the high school diploma.

100.7 State high school equivalency diploma.

(a) Requirements.

(1) Each candidate shall have lived within the State of New York for at least one month prior to the examination and:

(i) shall be 19 years of age or over; or

(ii) shall be at least 17 years of age, and:

(a) shall not have been enrolled in a regular, full-time high school program of instruction within the preceding twelve months; or

(b) shall be a member of a high school class which has graduated; or

(c) shall be a resident of a narcotic addiction control center, or an inmate of a correctional institution or a patient in a hospital in the State of New York, and the head of such institution certifies that the high school equivalency diploma constitutes an essential element of the rehabilitational program; or

(iii) shall be enrolled in an alternative high school equivalency preparation program in accordance with subdivision (e) of this section.

(2) Candidates shall:

(i) take the general comprehensive examination prescribed for the program, in English, and achieve a standing designated as satisfactory by the Commissioner of Education; or

(ii) take the general comprehensive examination prescribed for the program in a language other than English and for those taking the examination on or after September 1, 1985, an English language proficiency examination designated by the commissioner, and achieve a standing designated as satisfactory by the

commissioner in each examination; or

(iii) provide satisfactory evidence that they have successfully completed 24 credits or the equivalent as a recognized candidate for a college-level degree or certificate at an approved institution.

(3) The following persons who have been present within the State of New York for at least one month prior to the examination but do not meet fully the requirement under paragraph (1) of this subdivision may, upon proper application, be admitted to the examination:

(i) persons who are required to provide scores on the examination for enlistment in the armed forces of the United States; and

(ii) candidates for admission to a program of post-secondary education for which high school graduation is the normal prerequisite. A transcript of the scores for such persons will be mailed to the agency or institution requesting it, but a diploma will not be issued until such time as the person becomes fully qualified.

(b) Time and place of examination. The examinations for the high school equivalency diploma shall be held at such times and places as shall be designated by the Commissioner of Education.

(c) Application. Candidates shall submit an individual application in the form and manner prescribed by the commissioner.

(d) Retesting. A candidate may take the examination for the high school equivalency diploma more than once. A period of at least two months shall elapse between testing periods. A different form of the examination shall be used for each retesting. The application procedures for each retesting shall be the same as for the original testing. On each retesting, a candidate shall have the option either of retaking one or two of the five tests in the battery or of retaking all five tests. Candidates who do not qualify for the diploma on the basis of retest scores shall have their eligibility for the diploma reevaluated on the basis of the highest score obtained on each test previously taken.

(e) Alternative high school equivalency preparation programs

operated by school districts and boards of cooperative educational services for students at least 16 years of age and under the age of 18. Students who are at least 16 years of age, or such older maximum age as the board of education of the school district may designate for required school attendance pursuant to section 3205(3) of the Education Law, and under the age of 18 may be enrolled in alternative high school equivalency preparation programs. Such pupils may transfer directly from a regular high school program or enroll after having left secondary school. In order to obtain the approval of the department for alternative high school equivalency preparation programs, the governing body of the school district or board of cooperative educational services shall submit an application in the same manner as set forth in paragraph (2) of subdivision (f) of this section, and shall assure in such application that:

(1) the program approval requirements set forth in paragraph (3) of subdivision (f) of this section are satisfied;

(2) the program offered to each student shall consist of not less than 12 hours per week;

(3) subjects or activities are scheduled in addition to preparation for the high school equivalency examination as part of the program of at least 12 hours as follows:

(i) For students with reading levels at grade eight or above on tests approved by the commissioner, preparation for the high school equivalency examination shall be no less than six hours of the minimum 12-hour program. Activities other than preparation for the high school equivalency examination may include general academic education, occupational education, general academic work experience, work experience associated with occupational education, adolescent vocational exploration, and counseling and support services related to the instructional program. Such subjects or activities which are scheduled in addition to preparation for the high school equivalency examination shall be subject to approval by the department.

(ii) For students with reading levels below grade eight on tests approved by the commissioner, no less than nine hours of the minimum 12-hour program shall be instruction in reading, mathematics, oral and written communication, and life skills. Activities other than such instruction shall include counseling and support services related to the instructional program, and shall be subject to approval by the department.

(4) written approval by a person in parental relation to the student or by the student, as provided for in Education Law section 3212(1) and (4), of each student's

enrollment shall be obtained;

(5) documentation of student eligibility shall be maintained by the local school district and be available to the department. In order for students who are at least 16 years of age but under the age of 18 to be eligible to enroll in an alternative high school equivalency preparation program, a student who has not been on the regular day school register of grade 9 for at least one school year shall score below the State reference point on any fifth or sixth grade pupil evaluation program test. In order to be eligible to enroll in an alternative high school equivalency preparation program, other students who are at least 16 years of age but under the age of 18 shall have fewer than 12 1/2% of the number of units of credit required by the school district for a local diploma multiplied by the number of years the student has been in grades 9 through 12. Approval may be granted for a variance from the eligibility requirements set forth in this paragraph upon a finding by the commissioner that exceptional circumstances warrant such a variance.

(6) documentation setting forth the name of each student transferred into a program approved pursuant to this subdivision from a regular high school program shall be maintained by the local school district and be available to the department. In addition, such documentation shall indicate what remedial instruction, counseling and support services were provided to the student prior to transferring into the program; whether such student continues in the program, has received a high school equivalency diploma, or has withdrawn from the program; and such other information as may be required by the commissioner. A summary of such documentation shall be submitted to the department on a form prescribed by the commissioner.

(f) High school equivalency preparation programs operated by school districts and boards of cooperative educational services for students at least 18 years of age and under the age of 21.

(1) In order to meet the requirements for a state high school equivalency diploma, students at least 18 years of age and under the age of 21 who have not received a high school diploma or equivalency diploma, may be enrolled in programs approved in accordance with Part 168 of this Chapter for employment preparation education, in programs approved pursuant to subdivision (e) of this section, or in programs approved in accordance with paragraphs (2) and (3) of this subdivision organized specifically for persons who are at least 18 years of age and under the age of 21.

(2) Application. Each school district or board of cooperative educational services intending to operate a program to prepare students at least 18 years of age and under the age of 21 to meet the requirements for a state high school equivalency diploma shall submit to the department an application in a form prescribed by the department for approval of such programs. Such application shall be submitted no later than April 1 of each year for programs to be operated during the following school year. The commissioner may, at his discretion, accept a later application when unusual circumstances provide good cause for such late submission.

(3) Program approval requirements. In order to obtain the approval of the department for any program to prepare students to meet the requirements of the state high school equivalency diploma, the governing body of the school district or board of cooperative educational services shall assure in its application that:

(i) a curriculum developed or approved by the department is to be used;

(ii) instruction is individually prescribed and paced in each class;

(iii) individual student folders are easily accessible to students and teachers and include information concerning registration, attendance, testing, and individual program needs;

(iv) no class register exceeds 20 students;

(v) at least 150 hours per year of total instruction is made available to individual students;

(vi) English speaking students are given entrance tests in reading and mathematics to determine the approximate skill level;

(vii) English speaking students in need of basic education are provided instruction in reading, mathematics, oral and written communication, and life skills;

(viii) English speaking students are given standardized achievement tests which report scores in grade equivalents and which have forms for retesting at required intervals or other such instruments approved

by the commissioner;

(ix) students with limited English proficiency are given placement tests prior to placement in an appropriate level of the instructional program;

(x) students with limited English proficiency are provided instruction in listening, reading, mathematics, oral and written communication, and life skills;

(xi) students with limited English proficiency are given achievement tests specifically designed for such students or other such instruments approved by the commissioner;

(xii) students preparing for the high school equivalency examination are given diagnostic tests to determine the specific instruction needed to attain the minimum score to qualify for a New York State High School Equivalency Diploma and are provided such instruction;

(xiii) students with needs other than basic education, high school equivalency examination preparation, and English as a second language are provided appropriate instruction, such as bilingual instruction, as authorized by the commissioner;

(xiv) all students are tested at intervals necessary to determine status and progress;

(xv) classes of instruction for the high school equivalency examination operate at least 6 but not more than 20 hours per week, unless otherwise approved by the commissioner;

(xvi) individual and group counseling are available to all students enrolled in the program;

(xvii) professional staff assigned to conduct programs of preparation for a high school equivalency diploma shall be provided with appropriate staff development;

(xviii) enrolled students shall not begin instruction specifically designed to prepare for the high school equivalency examination, unless they read at an 8.0 grade level on tests approved by the commissioner; and

(xix) students preparing to take the high school equivalency examination shall not be referred to that test unless they demonstrate readiness as indicated

by tests approved by the commissioner.

(g) Approval may be granted for a variance from the standards and assurances set forth in paragraph (3) of subdivision (f) and in paragraphs (1), (2) and (3) of subdivision (e) of this section upon a finding by the commissioner that the requirements of such paragraphs will be substantially met.

100.8 Local high school equivalency diploma.

Boards of education specified by the commissioner may award a local high school equivalency diploma based upon experimental programs approved by the commissioner.